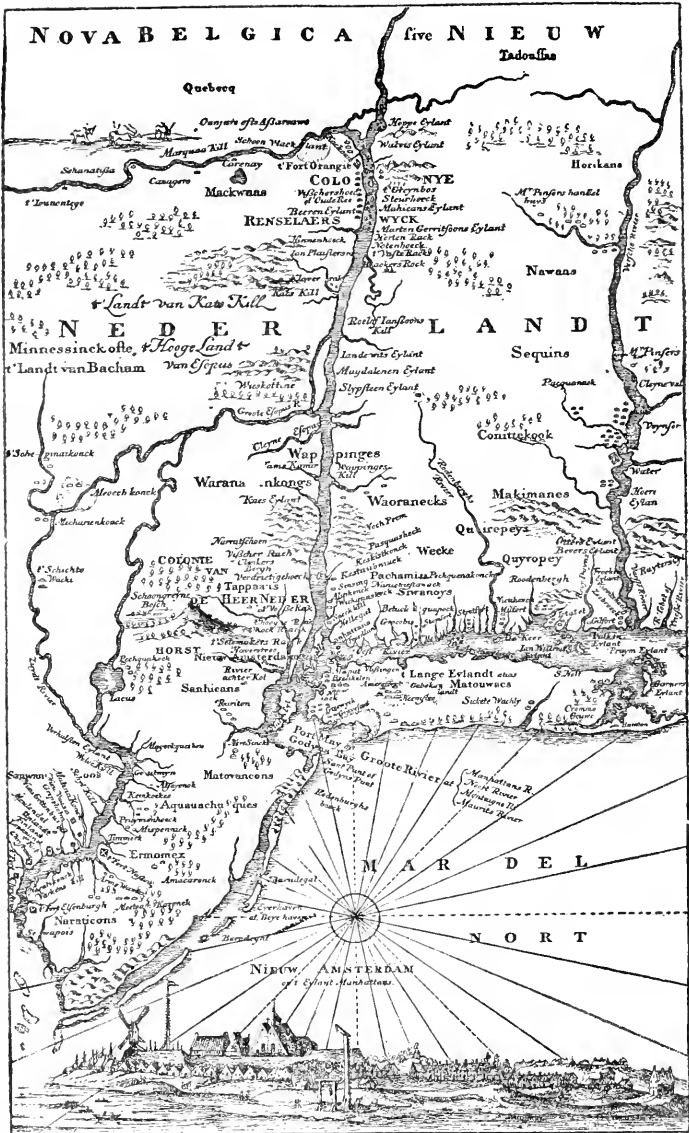




New Jersey as a Colony
and as a State



ADRIAEN VAN DER DONCK'S MAP.
 (Showing New Jersey and adjacent country in 1656.)

AS A COLONY AND AS A STATE

One of the Original Thirteen

BY
FRANCIS BAZLEY LEE

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VOLUME ONE

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DEDICATED
TO THE PEOPLE OF THE
STATE OF NEW JERSEY

FOREWORDS

THE history of the State of New Jersey has been variously written by men of more than ordinary ability. In the prosecution of their labors the authors of these general works have gathered a vast collection of facts, and have succeeded in presenting their material in a spirit of personal honesty. But throughout all these histories the chronological and biographical treatment has been adopted.

For the first time, probably, in the general history of any State, certainly in any history of New Jersey, a different method has been followed. Each chapter is a monograph, or a portion of a monograph. The characteristics of a dramatic period, or the special lines of development during an era, are presented, rather than the setting down of a series of facts selected solely for whatever intrinsic value they may possess.

It is obvious that the so-called "local history" of large communities may be subordinated in this method of treatment. Sometimes seemingly important facts are omitted. Upon the other hand it may appear, superficially, as if less important communities have undue prominence. Yet in the

historical perspective an attempt has been made to secure proportion without regarding, as final, present conditions. Particularly is this true concerning the colonial period, when it is remembered that communities now scarcely risen to the dignity of small cities were once important centers, and that three of New Jersey's largest cities—Jersey City, Paterson, and Camden—were absolutely unknown by name in 1787, when the federal constitution was framed.

The history of a State is but a part of the history of the nation; the history of counties, townships, municipal corporations, even of the smallest villages, is a part of the history of the State. No crossroads hamlet there is that has not played some part in the development of the commonwealth, or has not had among its residents at least one man who has aided in shaping the destinies of New Jersey. In short, the history of a State must be considered the history of its people. It is within these four volumes that an attempt has been made to delineate their daily lives, in brief what they did, and how, under religious, political, economic, or social impulses, they acted.

To secure such a delineation as would give, in outline, the history of the people of New Jersey, recourse has been had to much available printed material, particularly contemporaneous newspapers, and manuscripts. The desire has been to

avoid even the semblance of partisanship, particularly of a political character. To this end the chapters dealing with the rise and continuance of political policies, expressed by partisan action, contain mainly the records of legislative proceedings and abstracts of party platforms.

The proofs of the four volumes have been carefully read by Messrs. Garret D. W. Vroom and William Nelson, of the Associate Board of Editors, while before the death of the late William S. Stryker he outlined the plan of the second volume and prepared therefor many useful notes.

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THE ORIGINAL THIRTEEN COLONIES.

THE claim of satisfactory evidence of the extreme antiquity of man in the valley of the Delaware River has been soberly discussed and intemperately ridiculed, but this is no valid reason why the truth should not be ascertained. If man in a paleolithic stage of culture did exist on the Atlantic seaboard of North America, then we have a basis upon which to build—a tangible starting point from which to date a history of human activities on this continent. Shutting out all offered evidence of paleolithic man, we have but an immense array of facts, largely unrelated, and the greater portion sadly distorted and misleading because of the reckless theories set forth with them by their discoverers, and undoubtedly there never has been, in the whole range of scientific agitation of a simple question, as great a volume of reckless assertion, illogical deduction, and disregard of exact statement. The main question was often wholly lost sight of, and the author's sole purpose that of demonstrating some one else in error. Predetermination on the part of many has been fatal to the value of their field work. Convinced on theoretical grounds, such are necessarily blinded when on the spot where positive evidence occurs.

There probably would not have been as much

attention paid to the subject of man's growth in culture on this continent had not the proposition of a sequence from paleolithic to Indian, with an intervening period, seemed to necessitate a dating back to the glacial epoch, which naturally brought geological erudition to bear upon the question, and since then, most surprisingly, there has been confusion worse confounded, rather than a flood of light. Much has been written, but we can not yet be confident which author is most nearly correct; and the latest report on the surface geology of the Delaware Valley, showing sad evidences of haste, is vitiated by evident determination to modernize every trace of man, whether the facts warranted such procedure or not.

What is held, primarily, to be an evidence of paleolithic man is a wrought stone implement that in Europe was characteristic of his handiwork. In the valley of the Delaware this same form of implement has been confidently asserted to be a rejected piece of stone—usually argillite—that failed to lend itself to reduction to a finished blade or spear point. If this could be established as of invariable application, however the supposed “reject” occurred, then the whole matter would be brought to a quick conclusion. But the “reject” theory has utterly failed of establishment. The typical paleolithic implement is not characteristic of the refuse of an arrow-mak-

er's workshop site, and the familiar arrow points of small size, as well as the long, thin blades of several times their length, were reduced from masses greatly larger than the desired form. The refuse of many a chipping site shows this conclusively; and, as hundreds of failures demonstrate, many an arrowhead was made from a pebble but a trifle larger than the finished object.

But admit, for argument's sake, the identity in shape of a "reject" and a "paleolithic" implement; this does not prove their identity in age and origin, and it is not an unwarranted or illogical suggestion to draw a distinction between the two, where the conditions under which they occur suggest a possibility of diverse history. Rather than demonstrating that all rudely chipped stones are "failures," it should be shown that paleolithic man, as we know of him in Europe, could not possibly have existed here. This has not only never been attempted, but the conditions during and immediately subsequent to the glaciation of the river valley have been asserted, time and again, to have been favorable for man's existence. Furthermore, it has not been shown that a typical paleolithic implement could not have been available on this continent, as it undoubtedly was in Europe, as an effective weapon, and it must be remembered that the fauna of the Delaware Valley was, in glacial times, very like that of parts of

Europe in what we may call the reindeer period. Like conditions may not have produced like results in the case of early man, but what was practicable in Europe was certainly so in America, and the question resolves itself into that of determining if any trace of man that has been discovered in the valley of the Delaware can be dated back to a time preceding the Indian as he was when first he came in contact with the European. In other words, did the Indian bring his art with him from Europe or Asia, or did he experience a growth in culture from paleolithic simplicity to neolithic complexity?

The whole subject hinges on the distribution of these traces of man. If from the first day of his occupancy until the European replaced the Indian the immediate valley of the Delaware River had undergone no change, then the imperishable relics of the first and last savage would remain associated, and position alone would tell nothing concerning any particular object's age or origin; but, at the present day, except the contents of graves, not a stone implement of the Delaware Indians rest where chance or the intention of its one-time owner placed it. Indeed, save a few boulders of the largest size, few natural objects on the immediate shores of the river are as first seen by William Penn and his associates. This fact has not been duly considered, and unwarranted conclusions

have been published as established truths—all, of course, eliminating antiquity from the Indian history of the region. The fact that a so-called paleolithic implement was found lying on the surface of the river's shore has resulted in a pen picture of a modern Indian attempting to fashion a blade and tossing the pebble aside in disgust. Why, indeed, could not an Indian walk on exposed gravel and pick up a pebble as well as we can to-day?

There are two considerations to which we must give heed when this question is asked. We are, in the first place, tacitly informed that the Indian was given to chipping stone in this hap-hazard way to supply a sudden need upon the spot, all of which is not only not a reasonable assumption, but absolutely incorrect, as argillite boulders and pebbles, which are not abundant in the gravels, were not habitually used, but, instead, the mineral was systematically mined and selected with skill, so that failures were reduced to a minimum. Then, again, if the object as found has been lying undisturbed on the river shore for centuries,—two and one-half centuries at least,—why is it that the chips are not there also? These are never found under such circumstances. In fact, they are very rarely found at all in the gravel where the implement itself occurs, and in numbers they should exceed the “reject” or finished

object at least as ten to one. Furthermore, we are asked to believe that the river shore where we find rude implements is the same to-day as when the Indian wandered along it centuries ago.

A very cursory glance at the Delaware River shows clearly how the never-resting tidal flow wears away the shore, carrying sand and fine gravels from one point and spreading it elsewhere to form a sand bar, it may be, and turning the channel from one side of the stream to the other, and so exposing long reaches of the shore to wasting, that for many a year had been fixed and apparently secure. Often the mud is entirely removed from the underlying gravel, and abundant traces of Indian occupation are brought to light; and, less frequently, so strong a current attacks a given point that even the gravel is moved and deep holes are formed, to be filled in time with the wasting shore from a point perhaps a mile away. This is the story of the Delaware River of to-day, and so it has been for centuries; and yet we are asked to believe that we can fill the moccasin prints of the Indian by walking now along the water's edge. It may be submitted that it is asking a great deal too much.

It has been suggested that rudely chipped implements, when found on the gravelly shore of the river, have fallen out from the bank and rolled down from where they had long been lying. This

is not at all improbable; but how does this modernize the object, when the implement-bearing gravel extends quite to the surface? The pebbles and boulders at the top of the bank are clearly as much a part of the deposit as are those at its base, and while the surface may be—is, in fact—less ancient than the deeper gravels, still they can not be dissociated and it is a significant fact that we find, on the gravel at the foot of the bluff or other exposure, only the rude argillite objects at the water's edge or on the flat laid bare at low tide, and not a general assortment of the Indian's handiwork, including pottery; and we must not overlook the fact that the "gravel-bed" implements bear evidence of all the conditions to which the gravel itself has been subjected—this one stained by manganese, that incrustated with limonite, this fresh as the day it was chipped, because lost in sand and water and not subsequently exposed to the atmosphere; that buried and unearthed, rolled, scratched, and water-worn until much of its artificiality has disappeared. The history of almost every specimen is written upon it, and not one tells such a story as has been told about it by the advocates of the "Indian-reject" theory.

Much has been written on the natural history of the gravel that is so marked a feature of the Delaware River Valley, particularly at the head

of tidewater, and almost every essay differs in more or less degree from its fellows in the matter of the gravel's age as a well-defined deposit. No one can question the agencies by which it was brought to where we now find it. Ice and water did the work, nor have they ceased entirely to add to the bulk transported in strictly glacial times—perhaps it were better to say in superlatively glacial time, as the river even now can be positively glacial upon occasion. The main channel has often been completely blocked with ice and the water forced into new directions and spread over the lowlands or flats, which it denudes of its surface soil, and once within recent years the stream found an old channel, deepened it, and for a time threatened to leave a flourishing riverside town an inland one. Ice accumulated in this way year after year must necessarily affect the river's banks, and yet the extent of "damage" is trifling usually in comparison with that of the water, particularly when agitated by passing steamboats or violent winds; and now, too, the ice of our present winters does not transport coarse pebbles to any significant extent. This is substantiated since the examination given acres of ice, when the river was gorged with it, some years ago. It was possible to walk for miles over the ice, and to see it under exceedingly favorable circumstances, and a most careful search failed to reveal a stone larger than

a pigeon's egg incased in this ice, which was all gently floated from far up the stream and stranded here; and where piled up upon the shores it usually remains until melted, and really acts as armor plate, protecting the ground from abrasion when the floods incident to the "break-up" prevail.

Such are the present-day considerations, and they have a direct bearing upon the question of man's antiquity here because, first, the river valley has not varied for hundreds of years, except in becoming wider, the low shores receding, and the stream becoming broader and more shallow. In earliest Indian times the river was subject to freshets and ice gorges as now, but never did the water become so dammed up as to overflow the broad plateaus, areas of glacial gravel, that at the close of the glacial period were within the boundary of the river. The Delaware was a very different stream then—*crescendo* for thousands of years, and *diminuendo* for thousands since—until now it barely hints at what it once was. But not even in the height of its glacial activity was the climate so severe that the waters contained no fish, nor the forests of the high surrounding hills harbored no game. Never was it as bleak as the arctic region of to-day, and as man maintains a footing there, why should he not have done so

here, where life was ever more easily sustained? True; but did he live here in glacial time?

It has been stated in the most positive manner, which only positive evidence could warrant, that so-called paleolithic implements have not been found *in situ* in gravel deposits at a distance from the river, and all such as appeared to be in the gravel, were recent intrusions. This statement, in its several parts and its entirety, is absolutely incorrect and inexcusable. It is to be explained, however, because avowedly predetermined. Wherever the glacial gravel of the Delaware tide-water region is found, there paleolithic implements occur, as they also do on and in the surface of areas beyond the gravel boundary.

We accept the statement that post-glacial floods inhumed all traces of man found beneath the superficial soils, and find that, if these traces are considered in that light, some mysterious power was behind the senseless flood and always buried paleolithic implements far down in the gravel, and then selected argillite artifacts of more specialized forms for the overlying sands, and reserved the pottery and arrow points for the vegetation-sustaining soil.

This, of course, is absurd; but such is the actual order of occurrence of the traces of early man in the upland fields, and these are to be considered carefully before a final conclusion can be reached.

The broad, elevated plateau extending eastward from the present bank of the river offers facilities for studying the evidences of man's occupancy in this region such as are to be found in few localities. The principal reason for this is that almost no local disturbance has occurred since the original deposition of the sand and clay that overlies the gravel and underlies the soil.

The natural history of these underlying sands has recently received a good deal of attention, because, unlike the deeper gravels, there is perfect accord as to the occurrence therein of artificially chipped objects; and the suggestion that they are of intrusive origin being set aside as untenable, the geologists are now divided on the question whether the sand is wind-blown, a modified dune, and so not necessarily old even in years, or the result of intermitting overflow of water, usually carrying a considerable amount of sand and often heavy with washings from some distant clay bank. The objections to the "eolian" theory are that pebbles and boulders, even of considerable weight, are scattered at all elevations through the sand, and these pebbles, as a rule, do not present any evidence of exposure to eroding sands, but are smooth and glassy, or the typical water-worn pebbles of a brook or the river bed; and more significant is the fact that the sands themselves are of different degrees of fineness, layer upon layer,

and are nowhere clean or free from clay; and finally the thin layers of clay are clearly continuous over such extensive areas that in no sense can they be called segregations of that material. On the other hand, a carefully instituted comparison of the sand from the surface of the field to its junction with the gravel proper shows its identity with a deposit made by water in comparatively recent times. No difference whatever could be detected. The sand dune, modified by rains and finally leveled to a plain, presents, in section, no such appearance as the sands that overlie the gravels of glacial origin. Without a scintilla of reason, however, many geologists declare that no deposit of sand can be of any geological significance *if it contains traces of man not clearly intrusive*. By them, the modernity of man in this region is assumed and the facts are expected to conform to the assumption. To discard a theory and accept a fact is too great a tax upon their time and patience.

The presence of these artificial flakes, blades, and other forms of simple implements can only be explained by considering them as a constituent part of the containing bed, having been brought hither by the same agency that brought the sand, pebbles, and clay. When standing before a newly made section of this implement-bearing deposit it is easy to picture the slow progress of its accu-

mulation. The broad plain has been subjected to overflow, now of water bearing only sand, and then of muddy water; now with current strong enough to roll small pebbles from some distant point, and then periods when the sun shone on the new deposit, dried it, and the loose sand was rippled by the wind. Floods of greater volume occasionally swept across the plain and ice-encased pebbles were dropped upon its surface, and with this building up of the plateau to a higher level there were also brought to it traces of man's handiwork. Of this there can be no doubt now. Years ago I endeavored to show from the distribution of rude argillite implements of specialized forms, as arrow points and small blades, trimmed flakes and scrapers, that these objects were older, as a class, than jasper and quartz implements and weapons, and that pottery was made only in the rudest way before "flint" chipping—jasper and quartz—was established. The more exhaustively this subject was followed up the proposition became more evidently true, and to-day it is unqualifiedly confirmed by the results obtained from systematically digging deeply over wide areas of country, and the systematic and truly scientific gathering of quite a half a million of objects fashioned and used by early man in this river valley. The fact that argillite continued in use until the very last does not affect this conclusion. There is

no clearer evidence in paleontology that one fossiliferous stratum ante-dates another than that the maker of argillite artifacts of specialized shapes preceded the Indian as first known to Europeans.

As the high land, now forty or more feet above the river and beyond the reach of its floods of greatest magnitude, was once continually overflowed and gradually built up by the materials the water spread upon it, it is evident that the conditions were materially different when such things happened from what now obtains, and the whole configuration of the country to-day points to but the one conclusion: that these plateau-building floods occurred so long ago as when the river flowed at a higher level and possessed a greater transporting power than at present. This, it is true, was long after the coarse gravel and huge boulders were transported from the hillsides of the upper valley, but it was before the river was confined to its present channel, and more significantly before what may be called the soil-making period, itself of long duration, and the time of the Indian as such. Not an argillite chip from the sands beneath the soil but speaks of the distant day when this plateau was an almost barren plain, and man saw it, roamed over it, and perhaps dwelt upon it, when but the scantiest vegetation dotted

its surface, and only upon the hills beyond its boundary were trees and herbage.

Even if we consider the agency of the streams that now are but insignificant inflowing brooks in spreading, during their freshet stages, sand over level areas, we must still go back to a time when they were streams of infinitely greater magnitude than they have been for many centuries, and before, too, the Indian was a skilled chipper of jasper and a potter of taste, else why the absence of these products of his skill in the deeper sands? It matters not how we look at it, whether as geologists or archaeologists, or whether it is all post-glacial, or the starting point is still so distant as ice-age activities, the sequence of events is unaffected. We still have paleolithicity in the gravel, argillite and the discovery of pottery synchronous with the deposition of the gravel-capping sand, and, lastly, the Indian, reaching far down into historic time.

THE TRENTON GRAVELS ¹

The Trenton gravels have furnished much discussion and some evidence of the existence of man in America during a paleolithic age. The Delaware River having a relation to the glaciers of the northern United States, is the only one having a valley which, although filled with glacial ice,

¹ Contributed by Thomas Wilson.

served as a conduit or trench by which the drainage was collected and, passing under the glaciers through the moraines at the Delaware Water Gap and beyond, carried the sand and gravel and other eroded material to the mouth of the river (then at Trenton). Here the detritus was projected into the still water of the bay and deposited in strata of sand and gravel as found to-day. It is the only river of the Northern Atlantic whose condition and geologic formation can be said to resemble the Somme, the Seine, the Marne, and other rivers in France, and the Ouse, Little Ouse, the Solent, and others in England, the valleys or terraces of which have furnished paleolithic implements associated with the bones of extinct animals. The gravels thus deposited form the plateau or valley in which the City of Trenton is situated. It extends to the eastward of the present channel between two and three miles in a horseshoe shaped deposit, with a corresponding narrower and longer extension on the west side. Some misunderstanding has occurred over the Trenton gravels, and an endeavor will here be made to simplify the matter by reducing it to its lowest terms.

The *embouchure* of the river was a great saucer-like cavity wherein the gravels were deepest in the center, about forty feet, gradually becoming less until they approach, and finally arrive at, the edge. On the southern edge of this saucer-like

cavity where the river became part of the bay the glacial deposits ended in a ridge of gravel, now a bluff, which swept out into deep water.

Much discussion has been had, which I think is largely irrelevant to the present question, over the deposits at the edge of this bluff, the principal seat, and that which has received the greatest attention, being what is known as the Lalor farm. In this field, near the bluff and for many yards back, is a top deposit which at its deepest place is about thirty or more inches. It is sand and clay, colored red and yellow. The contention over this stratum has been whether it was part of the glacial gravels brought down by the river and so formed part of the original glacial deposit, or had been driven up over the bluff by the prevailing southerly winds and so formed a layer over the glacial deposits.

Long discussions have taken place in the determination of these two questions. The latest report is to be found in the Proceedings of the American Association for the Advancement of Science, of the meeting held at Detroit in 1897.

The discussion turned almost wholly upon the industry indicated by the objects found in this upper stratum. My opinion, expressed at that time, was that paleolithic man was not in issue during the investigation of that layer. Evidence concerning his existence in that locality must be gathered

from the stratified glacial gravels which lie beneath this upper stratum. It was conceded by all the geologists who made any examination of the *locus in quo* that whatever might be their opinion as to the upper layer, whether it was deposited by wind and belonged to modern Indians, or deposited by water and belonged to the glacial epoch, the various strata *beneath* this upper layer were glacial gravels which had been brought down by the river and deposited as they then appeared.

The condition of this upper layer and the contention which grew out of it is thus explained at length in order that it may be clearly understood that no claim is really made that it furnishes evidence concerning the existence or non-existence of paleolithic man. The contention at Detroit was confined to the formation and character of the upper layer and the objects found therein. The question concerning paleolithic man, so far as it relates to Trenton, can only be decided by the implements and objects found in the glacial sand and gravel *beneath* the upper layer of red and yellow clay and sand.

There are three sorts of evidence that have been claimed for the Trenton gravels as testifying to the existence of paleolithic man in America: (1) the implements, principally of argillite, found in the undisturbed and stratified glacial gravels, which so greatly resemble the Chelléen imple-

ments of Europe as to produce conviction in the minds of many of the similarity of culture and industry of the man who made them; (2) the remains of extinct animals in these gravels similar to those found in the like gravels of Europe; and (3) the remains of man himself.

The first proposition has been argued many times, and conflicting and contrary opinions have been announced. The only possible way in which any determination could be had upon this branch of the argument is that persons who are acquainted with the implements of Western Europe and with the stratified river gravels in which they occur should themselves see and inspect the implements and the deposits, and from their experience and knowledge obtained in Europe make comparison and be able to determine the similarities between them.

MM. Albert Gaudry and Marcellin Boulé, celebrated French paleontologists, who have always been interested in the relations of the ancient man to the animals of the quaternary period, visited Trenton during their visit to America in attendance upon the fifth Geologic International Congress. They had visited and examined with a critical eye the gravels of Trenton, and reported their visit and conclusions in *L'Anthropologie*, IV, No. 1 (Jan.-Feb., 1893).

From the geologic point of view the question appears to me still more clear. . . . We then went into a sand bank which had been exploited by and for the railroad, and there found ourselves in the presence of an alluvial formation of sand, gravel, rolled stone, and sometimes large blocks. We could easily have persuaded ourselves that we were in the valley of the Seine or the Marne as in that of the Delaware, for the lithologic elements were not different. There is the same similitude in America and in Europe in the deposits which contain the paleolithic implements as there is in the implements themselves. There can be no doubt as to the quaternary age of these deposits; they reproduce exactly the stratigraphic dispositions of the paleolithic alluvial in the north of France and the south of England. The gravels of Trenton are intact, their beds are well defined, and they are covered with a bed of vegetable earth of which the separation is evident.

The implements themselves found in these gravels by Dr. Abbott, by Professor Putnam, and by those working under them during their investigation of these gravels, are to be seen in the Peabody Museum of American Archaeology and Ethnology at Cambridge, Mass., where they can be compared with paleolithic implements from Europe, and the similarity of appearance will at once be manifest.

Second, as to the bones of extinct quaternary animals, it has already been explained that these were rarely found in America, and such as had been found were under different conditions from those found in Europe. A fragment of a tusk (the outer end or point) of either mammoth or mastodon, two and one-half feet long and about four inches in diameter at the place of fracture,

was found in the stratified glacial gravels at Trenton by some students belonging to Rutgers College in New Brunswick, N. J., and was carried by them to their alma mater, where it was deposited and where it is yet to be seen. It shows no human handiwork, and its only bearing on this point is that it shows that remains of these animals were present and deposited at the same time and in the same manner as were the paleolithic stone implements conceded to have been made by man.

Third, the Trenton gravels for several years have been excavated by the Pennsylvania Railroad Company and the gravel carried away for use as ballast. During a portion of this time the Peabody Museum has kept a man on watch for any archæological objects exposed. On December 1, 1899, this guardian, Ernest Volk, visiting the excavation, saw a bone in the gravels at a depth of seven feet beneath the surface and four feet into the stratified glacial gravels. After photographing it in place and making all necessary preliminary examinations, he extracted it from its bed and reported it with all information to Professor Putnam. It was submitted to the anatomists for examination, who reported it part of a human femur. This report has not been published, awaiting the result of investigations and analysis, but the conclusion as to the human character of the bone seems well established.

Implements have been found generally throughout the United States which, in form, style, size, appearance, mode of manufacture, and probable use, have great resemblance to the paleolithic implements of Europe. This question was argued with considerable elaboration and illustration before the Congr es International des Am ericainistes, Paris, 1890 (published in the *Compte-Rendu de la Huitieme Session*). It pointed out the similarity between these American and the European paleolithic implements, and declared, because of this similarity, it might be assumed at least as a working hypothesis that they belonged to the same stage of culture.

LOST in the twilight of race-myth and of world-wide superstition, which may forever hide the beginnings of the human race, the origin of the North American Indian remains an attractive mystery. The one great riddle of the ethnological sphynx has been held close; the very diversity of answers being proof rather of the ingenuity of the processes of human reasoning than of any conclusive line of argument and satisfactory deduction.

It was the gold-seeking Spanish adventurer, bringing to the New World a strange admixture of religious fanaticism, chivalry, commercialism, and cruelty, who attributed to the Indian an origin in the home of that of the Father of Lies. "From Hell they came," he said, "and they are devils incarnate guarding the hidden treasures of the earth," a view which tintured much of the thought of the English colonists and found its expression in certain forms of later popular literature. Not that this was the usual standpoint of the missionaries, yet even such a man as the saintly Brainerd as late as the middle of the eighteenth century, in New Jersey, cried aloud that the red-men would not hear the call of grace, and believed them to be children of evil.

Sweeping aside such an hypothesis, it was early contended that the Indian was a descendant of the

Lost Ten Tribes of Israel. For this view, which was largely theological, and had color of scientific possibility, there were many advocates.

It pleased the theologians of the colonies, whose knowledge of anthropology was radically less than their piety, to consider the redmen as lost or, at least, wandering sheep. There was something in the nature of a vast tribal romance, in the attempt to show, by comparisons of language, customs, and personal appearance, that the Indian and the Hebrew had a common starting point. Samuel Smith, the historian of the colony of New Jersey, was captivated by the possibilities of such a proposition, while the patriotic Elias Boudinot, marshalling previous arguments, in his "Star in the West," if he does not convince modern investigators, furnishes food for the curious in his attempt to settle the question. Later, bolder spirits, by ingenious if not logical arguments, traced the redmen to such sources as Wales, China, Greece, and Rome.

Then came Haeckel, with the sunken continent of Lemuria, and Donnelly, with his Atlantean empire, each contending that the Indian came by way of the Pacific or the Atlantic to North America. But one scientific position remained, and that was occupied by Brinton, by Dorman, by Baldwin, by Abbott, and by Reville, who held that American culture was home-bred—that it was wholly in-

digenous—a view constantly gaining adherents. This view, by the way, does not necessitate the origin of man on the American continent, for prior to race differentiation he might readily have reached its shores. Certainly his language was developed here, and this significant fact points to the arrival of an almost speechless man to our shores, when climate and land configuration were different from what they now are.

From a mass of contradictory testimony and conclusions one fact remains undisputed. The arrival of the Dutch on the banks of the Hudson and the Swedes on the Delaware brought into historical prominence a nation of the great Algonkin family, whose branches reached from the frozen shores of Hudson Bay to the beaches of the Gulf of Mexico, and who occupied most of the territory of the present United States east of the Rocky Mountains. This nation, whose limitations were broadly marked by the boundaries of the State of New Jersey, was known as the Delaware or Lenni-Lenapé, the latter name being variously spelled, but which has been translated “Our Men” or the “Original” or “Pure” Indian. The Lenni-Lenapé, moved by human wants and needs, lived along the river valleys, being more numerous in the southern and central than in the northern parts of New Jersey. The total number in the

entire State probably never exceeded one thousand.

From divergent sources, stripped of prejudice, favorable or adverse, contemporary descriptions indicate that the Lenni-Lenapé were of moderate stature, properly shaped, dark-eyed, black-haired, wearing the too familiar scalp-lock, their bodies usually annointed with animal oils or stained, symbolically, with vegetable or mineral dyes. Among the men there were many who approached physical perfection, the women, in youth, being statuesque rather than beautiful. Once a maid became a matron, say at the age of fifteen, hard work, exposure, and insufficient food soon destroyed her attractiveness. At best the savage type manifested itself, and few were the white men who took Indian girls to wife.

The Lenni-Lenapé lived in villages, but the wigwam sites were frequently changed, the inhabitants seeking new hunting and fishing grounds. Differing from the Indians of Central New York, there were no community houses. Each Lenni-Lenapé family occupied its own home. The wigwams, being variously constructed, bore but little resemblance to the elaborate and often artistically conceived structures so familiar in conventional historical paintings. William Penn, writing from Philadelphia in 1683, speaks of the houses of the Indians as being fashioned like English barns, and

made of mats or tree bark. Pastorius, in his description of Pennsylvania, written about the time of Penn's letter, says that young trees were bent to a common center, and a shelter formed by interlaced branches which were covered with bark. Other writers allude to the circular wattled hut, thatched and lined with grasses or with leaves of the native maize.

But the interior of these houses were usually indescribably dirty. Little or no attention was paid to the most elementary laws of sanitation. The refuse of cooking, the litter of domesticated animals, waste of all kinds lay upon the dirt floor or without the wigwam entrance. A column of smoke from a smudge fire sought any exit. Yet in the midst of squalor the Lenni-Lenapé exercised that one trait which gained for him the praise of Europeans—an unselfish hospitality. It was the charity that covered the multitude of his sins. Whatever the Lenni-Lenapé may have been, or to what depths of degradation he may have plunged after association with dominant white races, his open-handedness never forsook him. To the last day in New Jersey the mat, the seat of honor in the center of the wigwam, was reserved for the welcomed guest. His it was to partake of the ach-poan or boiled crushed maize, or the boiled corn and beans, later known to the Europeans as "succotash," of roasted nuts, or of the half-cooked

flesh of bear, deer, opossum, or other smaller animals. Before the traveller were placed a variety of herbs, roots, and berries, or, if upon the "shore," there were wild fowl, crabs, oysters, and clams, the latter either fresh or dried. The sole stimulant of the Lenni-Lenapé, until the arrival of the Europeans, was tobacco. Vinous, malt, and spirituous liquors were unknown until introduced by the whites.

Although in a transition period between the hunter and the agricultural stages of development, the Lenni-Lenapé had made progress in the useful as well as in the ornamental arts. From the animals they secured hides which they successfully tanned and adorned with emblems and ideographic representations of tribal history. Large bones were used to scratch the earth's surface preparatory to planting crops; small bones were employed as needles, fish hooks, and as ornaments. Various stones, unfashioned or fashioned, became knives, chisels, net sinkers, pestles, drills, mortars, fish spears, arrowheads, and other implements necessary in a community in constant warfare against nature and in occasional contest against other tribes. Flint, quartz, granite, slate, chard, and soap-stone were employed. Clays in the rough or mixed with mica were used in the making of bowls, jars, dishes, both domestic and ceremonial. This pottery was sun-baked and

marked, conventionally, by hand. "Green" clay, when fashioned, was sometimes wrapped in a cover of grass or coarse cloth that the mark of the fibre should be pressed into the outer surface of the object as well as to hold the clay firm.

The Lenni-Lenapé had the vanity of dress characteristic of uncivilized man. Beads of wampum, from the white and black portions of shells, notably the clam, were worn upon the arms and legs. With these were displayed pieces of native copper brought from the hills of Essex or the valley of the Raritan, uncut semi-precious gems from the mountains of Sussex County, rose quartz, crystals, and bits of micaceous schist. In their hair were stuck bright colored feathers, and over their bodies were thrown skins and dyed cloth.

The family relation among the Lenni-Lenapé gave much offense to the early missionaries. A form of marriage was recognized, with the usual primitive customs of bridal gifts and wedding feasts. But upon the testimony of such observers as Haskill and Heckewelder it may be said that these "marriages" were usually based upon convenience or inclination, and, consequently, were seldom lasting. Separations were naturally common, the children of such unions becoming the property of the mother. Polygamy was permitted, but owing to the trouble and annoyance of a plurality of women was but little practiced.

In their education the boys were trained in all physical exercises, with ultra-Spartan severity. This process was discontinued when the lad reached the age of sixteen or eighteen, when, with due ceremonies, he was "initiated" into the tribe. Thence his life became most strenuous when at the chase or at war; of contemplation and seriousness when in council; or of laughter, song, and gambling when resting in his wigwam. For the women it was a miserable existence of toil, planting and gathering crops, and carrying burdens, to the end, says an observing historian, that wives might be true servants of their husbands.

The administration of justice among the Lenni-Lenapé was as simple as it was effective. Throughout their system—if such it may be called—there was the trail of blood and of retaliation. The principle underlying the *lex talionis* was supreme. The thief was required to restore stolen property, and the relatives of a murdered man slew the murderer. Yet, as in some modern legislation, there was also the idea of pecuniary compensation for an injury, and a sufficiency of personal property surrendered to the wronged individual satisfied the ends of savage justice. As private ownership of property was unknown, the refinements and technicalities of European laws were no part of tribal regulations.

The close relationship between a religious cult

and the practice of the healing art of any primitive people brings into prominence the one great figure of Indian life—the so-called “medicine man.” Both priest and physician, both sorcerer and compounder of herbs, both “he who talks with spirits” and surgeon, the “medicine man” of the Lenni-Lenapé embraced in himself elements of charlatanism, of mysticism, of native shrewdness and debased superstition, of careful observation of the properties of roots and herbs, and of the principles of elementary surgery. At once revered and hated, he was the spectacular figure when, in the wigwam of sickness or death, he exorcised evil spirits by incantations, or at the council of war read signs in the clouds, in the passing wind, or upon the surface of the stream. His it was to drive away death and to bring peace to the tribe, and to prepare the warrior’s journey adown the shining path of the Milky Way that led to the blessed land beyond.

As to a belief in a future state, it is beyond question that the Lenni-Lenapé had a concept of life after death with a somewhat mercantile system of rewards and punishments. It is quite unnecessary to say that this after-death existence was in an indefinite region where physical wants and needs were immediately gratified. It was with difficulty that the Indian grasped the theological idea of Heaven, or in fact any essential element of

the Christian religion. To them a Christ was well nigh impossible, a redemption of the human race unnecessary. Lacking the mental capacity to understand so altruistic a faith, they were the more confused by the contentions of religious associations and the apparent complicated machinery necessary to sustain them. For this reason, possibly, the Society of Friends, with their lack of outward formalism in establishing and maintaining meeting houses, and the evident spirit of justice in their dealings with the Indians, made more permanent progress with the Lenni-Lenapé than other denominations. But even such progress was largely of a negative character and lacked true permanency.

It is known that the Indian venerated fire and light. Isolated instances of orientation, such as interments in certain burial mounds and in the construction of their wigwams, seem to prove the assertion. There was a recognition of a supreme spirit, a Manito or mysterious influence, in general, for good or evil, manifesting itself through a thousand instrumentalities.

In government both peace and war chiefs ruled the councils of the Lenni-Lenapé, in which the "initiated" men as well as women of ability took part. The nation, as such, was divided by the older writers into three sub-tribes or gentes, a designation of which the absolute historical cor-

rectness has yet to be proved. In the upper valley of the Delaware were the "Minsi," the Mountaineers, whose totem was the wolf. These were the real warriors of the Lenni-Lenapé, and were the most adverse to missionary influence. Further south were the "Unami," People down the River, whose totem, the tortoise, suggested that as it was the progenitor of mankind and bore the world upon its back, so were they entitled to lead in governmental affairs. In the region from the Rancocas to Cape May were the "Unalachtigo," People who live near the Ocean. Skilled in fishing, it was they who spoke with softness the agglutinative language of the Lenni-Lenapé; it was they who were gentler than the more northern Minsi, and who, from their seldom fighting, gained for the Lenni-Lenapé the contemptuous phrase "Women," which the Six Nations of New York hurled in the teeth of the New Jersey Indian.

In their relation to the white settlers the Indians occupied an uncertain position. Their legal status was determined, usually, at the whim of the colonial Legislature—at one time treated as equals, at another as menials. Generally speaking, the Dutch and Swedes were kindly disposed toward the redmen, although there was constantly the cloud of racial jealousy overshadowing all transactions. The missionary efforts of the Hollanders and Scandinavians bore little fruit. To

the Dutch, Indian trade in peltries and furs was of such importance that evangelization was an incident in their association with the Lenni-Lenapé. The Swedes were weak upon the banks of the Delaware, and missionary efforts were directed toward saving the colonists rather than caring for the spiritual welfare of the savages.

Whatever may have been the outcome of efforts to Christianize the Indian on the part of the English, the declarations of good intent under the early proprietary government had the ring of honesty of purpose. In the instructions sent to Governor Philip Carteret, in 1664, His Excellency was advised to "treat them with all Humanity and Kindness and not in any wise greive or oppress them; but endeavoring, by Christian Carriage, to manifest Piety, Justice, and Charity and in your Conversation with them, the manifestation whereof will prove Beneficial to the Planters and likewise advantageous to the Propagation of the Gospel."

In 1702, upon the surrender of the proprietary government to the crown, Governor Cornbury was instructed to secure the passage of a law establishing the death penalty for those who wilfully killed Indians or negroes, and proper punishment dealt out to those who maimed or abused them. In conjunction with the Legislature the governor was directed to inquire as to the best method of

converting negroes and Indians, and to use his endeavors to encourage the Indians to trade with England, a smug soul saving policy, with a commercial motive quite characteristic of the age. This period from 1664 to 1702, a quarter of a century of colonization, embraces the era when the intercourse between the Europeans and the Indians was most marked. It was the time of settlement when the "Indian problem" had not been solved, when men still thought the South Sea lay just beyond the Alleghenies, and when fancy peopled unknown territory to the west with untold numbers of warlike savages.

Mutual fear and distrust filled the minds of the colonists. The Lenni-Lenapé and whites each cried "Peace," and called one another "Friend" and "Brother"; there was no real peace, nor friendship, nor fraternal feeling. Repressive legislation, having as its mainspring of action an undisguised suspicion, together with slavery based upon economic and police considerations, restrained the personal liberty of the Indian.

Fortunately, in New Jersey, the situation never became acute, except a sporadic contest between the Dutch and Indians before the English conquest, and the Indian massacres in Sussex County during the French and Indian War. Nevertheless no real sympathy existed between the dominant and inferior peoples. Throughout the colonial

history of the State there were few marriages of white men and Indian women, and those contracted were looked upon in the light of miscegenations. For this reason unions between negroes and Indians were common—so frequent, indeed, as to have left permanent impress upon many families of negroes of the present day.

The governmental history of New Jersey in the matter of clearing land titles from all traces of Indian ownership is creditable. Following the precedents of the Dutch and Swedes, the proprietors of New Jersey used every method to extinguish native title. In Berkeley's and Carteret's Directions dated December 7, 1672, it was directed that the governor and council purchase all Indian lands in the name of the proprietors. Subsequent purchasers were directed to reimburse the proprietors and to pay necessary charges. After the establishment of East Jersey's government an act was passed, in 1682, providing that no one should purchase Indian land without a warrant from the governor or his deputy.

In West Jersey, in the first chapter of that remarkable document, the "Concessions and Agreements," it was directed in 1676 that before the lands were surveyed the commissioners were to meet the natives and agree upon the price of land. A public register was also to be kept, while later legislation declared that titles founded on pur-

chases not in accordance with this method were null and void. Offenders were fined and declared to be enemies of the province. Again in 1703 similar provisions were enacted, and unlicensed or unwarranted vendees of Indian land were directed to secure confirmation of title.

Resultant from such regulations nearly if not all the Indian title to New Jersey was extinguished before the Revolution. The deeds given by the Indians were carelessly drawn as to descriptions and boundaries, and were signed by chiefs who were content with insignificant and insufficient consideration, yet there appears a general desire to secure valid title. In a few cases Indian squaws signed, with their husbands, as squaw sachems—an artificial proceeding when it is remembered that none of the Lenni-Lenapé, when the Europeans came to New Jersey, had the slightest conception of the individual ownership of property, and that the whole plan of extinguishment of Indian title was transported bodily from European administrative methods.

The social relation of the Indian and the white settlers presents a somewhat complex problem. Enslaved by both Swedes and Dutch, the English also fastened the shackles of bondage upon the natives. At the same time, after the English conquest of 1664, the sachemic and tribal customs of the Lenni-Lenapé were recognized by law. Both

in East and West Jersey Indian treaty councils were held, yet the same Legislatures that sent representatives to confer with Indian tribes recognized slavery and provided laws to regulate Indians in bondage. This was the inconsistency arising from conditions surrounding men in a new state of society, who, staking their all in a distant land, mingled diplomacy with physical force and recognition of natural rights with fear of a native population.

At no time was the Indian incorporated into the whites' political system. He was regarded as belonging to a different nation—the system which has been followed by the United States. The Fundamental Laws of West Jersey recognized, however, a mixed jury of Indians and white men, who were empowered to try cases where white men injured Indians, and further provided that if Indians wronged the inhabitants the authorities were directed to notify the sachems according to law and equity.

It was in the matter of economic relations that the true state of the relationship between the Indian and the whites becomes apparent. The extinguishment of land titles for trifling considerations, the earnest pleas that the governors have tender consideration for the spiritual welfare of the redman, and the high-sounding phrases of "law and equity" were inexpensive methods of

satisfying colonial consciences. But in the matter of industrial life the situation presented new phases. A mere glance at contemporary legislation shows that, in addition to slavery, a systematic attempt was made to crush out industrial life among the Indians. In 1668 the Legislature of East Jersey provided that no person should buy from the Lenni-Lenapé any swine, neat cattle, or horses' skins or flesh, dead or alive, under a penalty of £10. In 1679 all persons from without the province were prohibited from treating or trading with the Indians under a severe penalty. In West Jersey there was no restrictive legislation, yet there was little effort to stimulate industrial progress among the Indians, who were largely in a condition of servitude.

Weak in numbers, the object of suspicion and hatred, forced to associate with slaves if not themselves in bondage, unable to comprehend the complexities of European civilization, the Indians fell an easy prey to the excessive use of alcoholic stimulants. This, in connection with smallpox and other loathsome diseases, decimated the Indian population of New Jersey. The sale of liquor became a crying evil in both East and West Jersey. Fines and lashings were imposed upon offenders in a long series of acts passed by the Legislatures of both provinces, but to no avail. Idleness followed excessive drinking, and crime suc-

ceeded debauchery. The harvest was gathered between 1700 and 1750, when the records of the New Jersey Supreme Court contain many indictments for larceny, arson, rape, and murder committed by Indians and negroes having Indian blood in their veins.

Missionaries led by Brainerd, philanthropists moved by the appeals of Woolman, urged reform, but to no permanent end. This condition of affairs, frequently discussed in meetings of Assembly and in Council, interest being stimulated by the terror caused by the massacres in Pennsylvania during the French and Indian War, led to a final disposition of the matter.

As an act of charity and as a matter of protection, the first Indian reservation ever established, as, such, within the limits of the United States, was located, in 1758, in Edgepelick or Brotherton, a town now known as Indian Mills. There, amid the "Pines" of Burlington County, the Indians of New Jersey, who largely resided south of the Raritan, were settled upon three thousand acres of land, where the descendants of the two hundred beneficiaries remained until 1802. Thence the Lenni-Lenapé removed to New York State, joining the Mohegans, later to Green Bay, Wisconsin, and ultimately to Indian Territory. The final act in the drama was played in 1832, when upon the solicitation of the Indians the Legislature of

the State of New Jersey appropriated two thousand dollars to extinguish all the right, title, and interest which the Lenni-Lenapé held or might have held against the colony or State.

Except in the retention of place names, corrupted by long usage, a varying and uncertain strain of blood in a few families, half forgotten village sites and graves, a few musty deeds, and scattered collections of stone, bone, and shell-work, no trace of the Lenni-Lenapé remains in New Jersey. The Indian of New Jersey left but little impress upon State life, not sufficient, indeed, to create in the mind of the student or reader a more than sentimental interest, yet an interest which is apparently perennial, and which entitles the Lenni-Lenapé to a permanent place in State history.

AMONG the romances of colonial history stands the untimely but none the less interesting attempt of a brave adventurer in his effort to plant a colony in New Jersey and adjacent territory. In 1632 there lived in Ireland a Roman Catholic member of an ancient Saxon family, Sir Edmund Plowden, who, in company with eight associates, petitioned King Charles I for a grant of land, "Manitie or Long Isle," and "thirty miles square of the coast next adjoining, to be erected into a County Palatine called Syon," to be held of the King without appeal or subjection to the governor or company of Virginia.

This prayer not receiving royal approval, it was soon renewed, the later petition designating Long Island as "Isle Plowden" and the county palatine "New Albion," "with forty leagues square of the adjoining continent," Plowden and his associates agreeing to "settle five hundred inhabitants for the planting and civilizing thereof." Upon this prayer a patent was granted, appointing Sir Edmund Plowden as first governor over a tract of land embracing New Jersey, Delaware, Maryland, and Pennsylvania as well as Long Island. This was in the face of the Baltimore grant of Maryland, bestowed two years previously, and under a charter of similar import.

Sudden changes came among the patentees. In 1634, owing to deaths and abandonment of claims, the title of certain of the survivors vested in Francis, George, and Thomas Plowden, sons of Sir Edmund. A lease under the charter was immediately made. Nearly ten thousand acres at Watsessett, presumably near Salem City, were thus transferred to Sir Thomas Danby, with "full liberty and jurisdiction of a court baron and court leet" for the "Town and Manor of Danby Fort," with the provision that one hundred resident planters be settled, excluding those who did not believe or profess the "three Christian Creeds, commonly called the Apostolical, Athanasian, and Nicene."

In the meantime there had sailed from Falmouth, England, in the early summer of 1634, one Captain Thomas Yong and his nephew and lieutenant, Robert Evelin, who held commission to discover parts of America not "actually in the possession of any Christian Prince." One part of their plan was a search for the "Mediterranean Sea," by which the mythical China passage might be found.

To this end, during the month of August, Yong and Evelin explored the Delaware River, which they named Charles, but were stopped by the rocks at Trenton Falls. Evelin went down the river and later explored the coast from Cape May

to Manhattan Island, making a further abortive attempt to pass the rocks. Until 1641 the two adventurers remained in the valley of the Delaware, where from time to time wonderful stories of the beauty and fertility of New Jersey were sent to England.

According to the late Gregory B. Keen, the modern historiographer of this strange expedition, the Earl Palatine personally came to his vast domain, and in 1642 sailed up the Delaware River. It is said that the officers of the New Haven colonists at Salem swore obedience to him as governor. Misfortune soon fell upon Plowden. Spending much of his time in Virginia, he apparently lost his estate as well as the people who came with him. In 1643, through treachery of a crew of a barque in which he was a passenger, he was marooned on Smith's Island, in company with two young retainers. They were later rescued by an English sloop. By a strange coincidence both the barque and the sloop appeared in Delaware Bay and fell under the custody of Governor John Printz, of New Sweden, who returned the barque to the Lord Palatine and permitted the sloop to go her way.

In spite of free commissions to trade in the Delaware, issued by Plowden, the Swedish authorities firmly refused to permit any English ships free passage through the Delaware. Being thus

thwarted by Printz, Plowden went to New York, and to Kieft and Stuyvesant presented his claim of title to lands west of the Hudson River. By way of Boston, in 1648, Plowden returned to England.

The years 1648-49 were apparently weighty with matters of import to the Earl Palatine, of New Albion. In December, 1648, there appeared Beauchamp Plantagenet's "A Description of the Province of New Albion. And a Direction for Adventurers with small stock to get two for one and good land freely: And for Gentlemen and all Servants, Labourers and Artificers to live plentifully," dedicated "To the Right Honorable and mighty Lord Edmund, by Divine Providence, Lord Proprietor, Earl Palatine, Governour and Captain Generall of the Province of New Albion," and to the Right Honorable the Lord Vicount Monson of Castlemaine, the Lord Sherard, Baron of Leitrim, and "to all other the Vicounts, Barons, Baronets, Knights, Gentlemen, Merchants, Adventurers, and Planters of the hopefull Company of New Albion, in all 44 undertakers and Subscribers, bound by Indenture to bring and settle 3000 able trained men in our said severall Plantations in the said Province."

With all its hopefulness and grandiloquent absurdities the "Description" contains what was designed to be the "Order Medall and Riban of the Albion Knights of the Conversion of 23 Kings,

their support." The medal, according to Windsor and Mickle, bears upon its face a coroneted effigy of Sir Edmund Plowden, surrounded by the legend "Edmundus. Comes. Palatinus. et Guber. N. Albion." Upon the reverse two coats of arms are impaled. The dexter displays those of New Albion, an open Gospel, surmounted by a hand dexter, issuing from the parti line grasping a sword erect, surmounted by a crown. The sinister are those of Plowden, a fesse dancettée, with two fleurs de lis on the upper points. The supporters are two bucks rampant gorged with crowns—the whole surmounted by the coronet of the Earl Palatine, encircled with the motto: "Sic Suos Virtus Beat." The order consists of this achievement encircled by twenty-two heads, coupéd and crowned, held up by a crowned savage kneeling. This motto surrounds the legend: "Docebo iniquos bias tuas et impii ad te convertentur."

The institution of such heraldic devices was in accord with the spirit of the age, but even the romanticism of the "Order Medall and Riban of the Albion Knights" was scarcely exceeded by a frame of government devised for the few adventurers. A lord "head governor," a deputy governor, "Secretary of Estate," twelve members of Council, of the latter all or five to be a court of chancery, were suggested. In addition there were to be selected thirty members of a lower house,

chosen "at a free election and day prefixed." The consent of the lord head governor and upper and lower houses was required to all legislation. Eliminating the somewhat quixotic character of this plan, the "Description" breathes the spirit of religious toleration in the sentence: "For this argument or perswasion of Religion Ceremonies or Church-Discipline should be acted in mildnesse, love, and charity and gentle language, not to disturb the peace or quietness of the Inhabitants but therein to obey the Civill Magistrate."

It is in its portrayal of the advantages of New Jersey as a home for emigrants that the "Description" becomes vivid and intense. New Albion was likened unto Lombardy, with "a rich fat soil, plain and having 34 rivers on the main land, 17 great Isles, and partaketh of the healthiest aire and most excellent commodities of Europe." All kinds of woods were to be found in profusion, fish, fowl, corn, "silkgras," salt, good mines, and dyers' ware, "5 sorts of deer, buffes and huge elks to plow and work, all bringing 3 young at once." In the uplands were "hogges and turkeys 500 in a flock, and having near the colony of Manteses 400.000 acres of plain mead land and meer levell to be flowed and fludded by that river for corn, rice, rapes, flax and hemp."

Master Evelin, in his letter to "Madam" Plow-

den, extols the fertility of this new-found land. "I saw there," says the entertaining, if not over careful, chronicler, "an infinite quantity of bustards, swans, geese and fowl," with turkeys, one of which weighed forty-six pounds. Whales and grampus swim the seas, while on the land are "cedars, cypresse, sassafras, * * * pine apples, and the dainty parsemenas." Throughout New Albion were seats of Indian kings, that near Trenton being Kildorpy, "neer 200 miles up from the ocean, it hath clear fields to plant and sow and neer it is sweet large meads of clover or hony-suckle * * * A ship of 140 tuns may come up to these fals which is the best seat for health, and a trading house to be built on the rocks and ten leagues higher up are lead mines in stony hills."

Even more curious is the description of Mount Plowden, "the seat of the Rariton King, * * * twenty miles from Sandhay sea and ninety from the ocean, next to Amara hill, the retired paradise of the children of the Ethiopian Emperour, a wonder, for it is a square rock, two miles compass, 150 foot high, a wall like precipice, a strait entrance easily made invincible, where he keeps two hundred for his guard, and under it is a flat valley all ready to plant and sow."

In the "Description" are mentioned certain native tribes, the locations whereof are but ill defined, and the nomenclature probably fanciful.

Thus between Cape May and Trenton, along Delaware Bay and River, were the Kechemeches above Cape May Point, the Manteses, who were probably in Salem County, the Sikonesses, Asomoches, Eriwonecks, Ramecocks, Axions, and Mosilians.

In spite of the heroic efforts made to attract settlers by means of such enticing literature emigration steadily refused to be led to the Promised Land of New Albion. Preparations were made to send about one hundred and fifty individuals to the Delaware Valley in 1650, but no proof exists that the adventurers ever reached America, much less sailed from England.

The causes of the failure of the expedition cannot be positively asserted. Every attempt to base the government of an American colony upon institutions whose outward forms were chivalric failed, but the probable reason for lack of success may be found in the political excitements of the day, and that Maryland already offered an asylum for Roman Catholics. Furthermore, Sir Edmund had domestic difficulties. His eldest son, Francis, in the will of the Earl Palatine, is accused of "sinister and undue practices," he having "damnified and injured" his father "these eighteene yeares." The wife of Sir Edmund is spoken of as a "mutable woman," "perverted" by Francis. To the second son and his eldest male heir, Thomas, was given the "planting, fortifying, peopling, and

stocking" of New Albion, with special direction that under his care and custody schools and churches be built, and that an effort be made to convert the Indian to Christianity.

Sir Edmund died in 1659 and the son Thomas in 1698, his heir being Francis Plowden. In the meantime, according to the will of Thomas, it appears that Andrew Wall, his son-in-law, of Ludshott, England, had wrongfully detained the patent during the space of several years.

Even before the death of Sir Edmund the title of New Albion became hazy. In 1654, according to Lindström, Commandant Lloyd, of Virginia, urged the validity of the Plowden title in a conversation had with the Swedes concerning the jurisdiction of the Delaware River. In 1659 Philip Calvert, of Maryland, stated that Plowden never had title from the King, but had obtained his patent from the viceroy of Ireland, and it was consequently of no value.

It is further claimed that Thomas and George Plowden, traditional grandsons of the Earl Palatine, came to Maryland, where they resided in 1684, for the purpose of asserting claims to New Albion. From this date until the outbreak of the American Revolution little was heard of the Plowden claim. Interest was revived when it was known that a certain Charles Varlo, an Englishman, had purchased one-third part of the charter.

In 1784 Varlo with his family came to America, where, as he says, he was "invested with the proper power as Governor to the Province, * * * not doubting the enjoyment of his property." He travelled through Long Island, New Jersey, Pennsylvania, Delaware, and Maryland, where he distributed a pamphlet giving documentary evidence of his claim to title, as well as the conditions for letting or selling farms of eight hundred to four thousand acres each in Long Island. According to this pamphlet Varlo claimed from one hundred and twenty miles westward of Cape May to a certain rivulet there arising from a spring of Lord Baltimore's in Maryland, thence south (north?) by a right line 120 miles, thence east by a right line 120 miles to the River and Point of Reacher Cod, and descends to a Savannah or Meadow, "turning and including the Top of Sandy Hook," thence to Cape May by the eastern shore of New Jersey. To further substantiate this claim Varlo issued, in 1785, "A Caution to the Good People of New Albion *alias*, corruptly called, at present, The Jerseys," warning them against contracting for or buying any land in the province. Failing to obtain redress by a suit in chancery, Varlo returned to England, and with his departure from America the contentions of the Plowdens or of Varlo, and all others claiming under them, vanish forever.

THE advent of Sweden in the valley of the Delaware was due to three causes: jealousy of the growth of Holland as a commercial world-power, desire to establish colonies as a manifestation of Swedish nationalization under the rule of Gustavus Adolphus, and the shrewdness of Willem Usselinx, merchant, of Antwerp and founder of the Dutch West India Company. In this movement colonization for the purpose of securing religious freedom played a distinctively subsidiary part.

In its incipiency the effort of Sweden to secure a foothold in the New World took the form of a commercial company. Its animating spirit was Usselinx, who, having disagreed in a matter of salary with his patrons in Holland, offered his services as colonizer to the Swedish crown. Stimulated by the prompt approval of Gustavus Adolphus, who, in 1624, issued a manifest creating a general commercial society, the plan to extend the sphere of Swedish influence caught the favor of the people. The Australian Company, trading in Africa, Asia, and America, appeared as a solicitant for subscriptions, and, having received a liberal charter, was heartily supported by royalty, the nobility, the army, the church, municipal officers, and the commonalty. It was the voice of united Sweden calling for a share in the trade of

the Indies, of China, of the Gold Coast, and of the far North, with the wide world, but half explored, from which to choose. Under such favorable auspices the Australian Company commenced a career somewhat romantic and ultimately ill-starred.

To further aid the project, the Ship Company, a corporation controlled by Swedish cities, was merged, in 1630, into the Australian Company, which gave to Sweden's cause of colonization and trade sixteen ships. The voyages of these vessels were generally disastrous, which, coupled with Sweden's wars on the continent and the death of Gustavus Adolphus on the battlefield of Lützen, cast a shadow upon the enterprise, so auspiciously inaugurated. But temporary embarrassment seemed to lend additional fire to the persistency of Usselinx. Shifting the base of operations from Sweden to the continent, unavailing appeals were made to men of wealth in Germany, France, Hanse Towns, States General, and even England.

Failure to secure the support of these governments gave a wide latitude for the injection of distinctively personal elements into the future history of the Australian, or South, Company. There appear as actively interested in the project in 1635 the Swedish Chancellor, Oxenstjerna; Samuel Blommært, of the Dutch West India Company, who, in 1630, had secured a patronship, Swaanen-

dale, at Cape May; Peter Spiring, a confidential representative; and Peter Minit, director-general of New Netherland from 1626 to 1632, the latter, like Usselinx, a disgruntled employee of the Hollanders. After a period of delay this Swedish-Dutch company, a distinctively commercial enterprise, sent out its first venture to America, in December, 1637.

It was not later than March, 1638, that Peter Minit, with the man-of-war "Kalmar Nyckel" and the sloop "Gripen," entered Zuydt Riviere—the Delaware. Dr. Gregory B. Keen, in Windsor's "Narrative and Critical History of America," quoting from the Swedish historian, Campanius, says that the founders of New Sweden landed at Murderkill Creek in the southern part of the State of Delaware. From the Indians the Swedes purchased, in 1638, all the land lying between Bombay Hook and the Schuylkill, no western limits being assigned.

At Wilmington Minit immediately built Fort Christina. He sent the "Gripen" to Jamestown, which led the Virginians to protest to the English crown that the Swedes were intruders. The "Gripen" then sailed up the river as far as Fort Nassau, a Dutch post at the mouth of Big Timber Creek, where the vessel was challenged and the actions of Minit reported to the authorities in New Netherland and in Holland. Careless or in-

different as to the claims of both nations, Minit garrisoned and equipped his fort and accompanied the "Kalmar Nyckel" and the "Gripen" to the West Indies, where he lost his life in a storm. The vessels eventually returned to Sweden, in 1639, laden with tobacco and furs. Again, in 1640, the "Kalmar Nyckel" voyaged to the New World under a Dutch crew, in that, in spite of the efforts of Queen Christina, few Swedes would either go as men before the mast or as colonists. Even the second governor of New Sweden was probably a Hollander.

In 1640 the northern boundary of New Sweden, as the colony was now generally called, was extended, by purchase from the Indians, to a point opposite Trenton, and thence, indefinitely, due west. Once again the gun of Fort Nassau was trained, without effect, upon the Swedish commander. The fertility of the lower Delaware Valley and the struggling for precedence between Sweden and Holland led the English to assert their claim to the river and the bay. In 1640 a certain Captain Nathaniel Turner, agent of the New Haven Colony, is mentioned as a purchaser from the Lenni-Lenapé of lands on the east and west banks of the stream, while in 1641 George Lambertson also secured lands from the Indians. A part of the English purchase extending from Cape May to Raccoon Creek (Narraticons Kil) had been but

recently transferred to the Swedish by the same Indian sachem who sold the land to the English. To confirm the title sixty individuals settled at Salem Creek (Varken's Kil), and on August 30, 1641, the Salem "plantations" were declared to be a part and parcel of the New Haven government.

In 1642 the English erected a trading house on the Schuylkill. Under the instigation of the Dutch, to which movement the Swedes lent ready aid, the English were driven from the vicinity of Philadelphia, and it is said the Salem community was broken up. Some of the settlers were sent to New Amsterdam and thence to New Haven, Lambertson was arrested, and in 1642, according to the testimony of Governor Winthrop, of Massachusetts, the New Haven colony was "dissolved" owing to summer "sickness and mortality." A truer reason may be found in the inability of the New Haven people to sustain themselves, in view of the distance from Connecticut, and the superior force of the Swedes and Dutch.

While the English were asserting title to the Delaware a third expedition was in transit to the shores of that river. Receiving the support of the government, the Dutch interests were eliminated by purchase, and, with a large proportion of Finns, the "Kalmar Nyckel" and a companion ship, the "Charitas," in 1641, led the third ven-

ture to America. An awakened interest in New Sweden led to the formation of a new corporation variously called the West India, American, or New Sweden Company, to which the South Company, the crown, and leading merchants contributed.

The fourth expedition, in 1642, took a new governor, John Printz, the most conspicuous of all Sweden's governors in the New World. What the purposes of the crown were in the valley of the Delaware are best shown by his "Instructions," dated August 15, 1652, signed by the guardians of Queen Christina. The territory under his authority extended on the west side of the Delaware from Cape Henlopen to a point opposite Trenton, and on the New Jersey side of the river and bay from Cape May to Raccoon Creek. Commercially, Governor Printz was directed to preserve the fur trade monopoly, to stimulate the cultivation of tobacco, to foster grazing, arboriculture, viniculture, silk and salt production, and fishing. To his care was left the maintenance of the Swedish Lutheran religion, the education of the youth, and the christianization of the Indians. With the Dutch at New Netherland and Fort Nassau relations of an independent but friendly character were to be observed, but "force was to be repelled by force" should belligerent measures be necessary. Governor Printz arrived in the

Delaware in January, 1643, sailed up the river as far as Trenton, and erected a house (Printz hof) on Tinicum Island, midway between Chester and Philadelphia. Upon the New Jersey side of the river, between Salem and Alloway's Creek, Fort Nya Elfsborg was constructed in 1643. Printz also took other means of strengthening his colony. In 1644 came the fifth expedition to New Sweden, bearing among other emigrants Johan Papegaja, who subsequently became lieutenant-governor of the colony and married Printz's daughter Arm-gott.

Evil times now befell the colony of scarce two hundred souls. In 1645 the fort, New Gottenburg, on Tinicum Island, was destroyed by fire, while during the following year occurred an open rupture between the Dutch and the Swedes. First, permission to trade was refused by Printz to a Dutch sloop, the Hollanders were restrained from hunting for minerals in the vicinity of Trenton, and the arms of the Dutch West India Company were pulled down by Swedish officials in the limits of Philadelphia. For a time the trouble was patched up, and in 1646 and 1647 the sixth and seventh expeditions reached the Delaware.

Again the Dutch attempted to strengthen their position on the river. Doughty Peter Stuyvesant, succeeding Kieft at New Amsterdam, asserted the claims of Holland to the Delaware, which action

met with equal show of right on the part of Printz. Stuyvesant, among other matters, had granted to a Dutch colonist the privilege of settling near Mantua Creek, whereupon Printz demanded the allegiance of the settler, purchased from the Lenni-Lenapé all lands between Raccoon and Mantua Creeks, and endeavored to secure Indian title to soil around Fort Nassau. In this Printz was frustrated by the Dutch, who secured title around Fort Nassau in 1649.

By this time the failure of a new expedition sent from Sweden, and the activity of the Dutch, made the situation of New Sweden more precarious. Needed articles of husbandry, ammunition and guns were required to prevent the encroachments of Holland. In May, 1651, an armed Dutch ship appeared off Cape May, and in June of that year Stuyvesant came with one hundred and twenty men over the wilderness of New Jersey from New Amsterdam and met a small naval force at Fort Nassau. He built Fort Casimir, near New Castle, Delaware, razed Fort Nassau, and practically took command of the bay and river.

From this date the fortunes of Sweden in the New World slowly waned. New Haven renewed its interest, the Dutch were continually aggressive, and finally, in August, 1655, the crisis came. Stuyvesant in command of a war vessel, with a galiot, flyboat, and two yachts reached the Dela-

ware. Sailing northward, the Swedish commander, Captain Schulte, owing to desertions and recognizing the inadequacy of his force, surrendered, and after further negotiations the territory of New Sweden passed under the domination of Holland, remaining under its jurisdiction until 1664. A change of masters changed but little the character of the settlement, the alterations being of a purely political character.

So far as the limits of the State of New Jersey are concerned the political influence of New Sweden was of a negative character. Few if any permanent settlements were made during this period, the Swedes in West Jersey being descendants of those adventurers who settled in Delaware and Southeastern Pennsylvania.

The town of Swedesboro is the most striking evidence of the occupancy of the Scandinavians. Upon a map made by Gregory B. Keen there are preserved some curious place names given by the small farmers and peltry traders to points in West Jersey. Some of these place names are of Indian derivation. Thus, Maurice River was known as the Assveticons, while Sepa Hackingh was immediately south of Bridgeton. Alloway's Creek was known as Korten Revier (Short River), while the land between Alloway's and Salem Creeks was called Oitsessingh. Here stood Fort Nya Elfsborg (Elsingboro Point), while Salem was known as

Asamo Hackingh. Between Salem Creek and the Delaware was Obissquasoit. In Oldman's Creek the easy transformation from Alderman's Kil is seen. Narraticon (Raccoon), Mantees (Mantua), Rode Udden (Red Bank), and Timmer (Big Timber) Creeks are easily recognizable. East of Big Timber Creek lay Arwames and Tekoke, while between Big Timber and Cooper Creeks, the latter called Hjorte, lay Sassaë Kon. Pensauken Creek was called Strut's Creek, its headwaters rising in the regions of Sinsessingh and Poenpissingh. Rancocas is apparently of Swedish origin, while Beverly and its vicinity was known as Marachonsicka. Tinneconck Island, directly above Burlington City, retains its name, while in the vicinity of White Hill the Swedes claim to have found silver. This was probably mica, which led to a like error of the English settlers of Virginia, who mistook iron pyrites for gold. The meadows between Bordentown and Trenton were known as Alummingh, and Trenton Falls as the Falls of the Assunpink.

Of these various places the Swedes were to be found nearest Tinicum Island and Wilmington. These points were Salem and the creeks of Camden and Gloucester Counties. Traders unquestionably went to the sites of Burlington and Trenton, and possibly made settlements at both places.

At best New Jersey, in the history of New Sweden, played a subordinate part. Few if any

traces of occupancy remain, and except for the occasional visit of the hunter and trader no attempt was made to occupy the territory, much less to cultivate the soil, to establish a permanent government, or to civilize the Lenni-Lenapé. But it fell to the lot of the Swedes to demonstrate the possibilities of the Delaware Valley as a place for permanent settlement, and to prove, by their own misfortunes, that no northwest passage lay between the site of Trenton and China and that no winning of the wilderness could be accomplished except by unremitting toil and unity of action.

The Swedish settlements on the east bank of the Delaware were too remote one from another, as well as from a common center, to geographically impress the later history of the State. The effects of Swedish life and character appear in physical and mental constitutions of individuals rather than in any general political or social movements. From their incipency the generous but utopian projects of Gustavus Adolphus had been ill-starred. The varying fortunes of the Swedish crown early left its colony upon the Delaware to its own devices, or to be the prey in turn of semi-hostile Indians, of Holland, and of England. Beneath the royal enthusiasm concerning the settlement, the earnestness of the clergy, the brave hopes of the emigrants, there was a vein of sad-

ness, and over all hung the pall of ultimate defeat.

The closest ties bound the mother country and her colony—ties of language, of blood relationship, of religious faith; and while Sweden had her power the far cry of her little band over sea never fell upon neglectful ears. But when the meteoric light of the Cæsar of the North was plunged into the gloom of war, internal strife, and dismemberment of empire, New Sweden had none to succor and to save. Disheartened, indifferent either to their own future or the future of old Sweden, the colonists on the Delaware became worse than static. Even the clergy, who tried to rekindle the waning fires of patriotism and awaken the flame of industry, education, and love for their church, found their efforts but ill repaid.

Small wonder was it that the Swedish settlements made so feeble a resistance to the Dutch in 1655, for a change of masters meant but little to colonists, whose past had been blasted by the failure of paternalism, whose present was but a political existence—almost a chimera,—and whose future was well nigh hopeless.

The transition from Swedish to Dutch rule was so easily accomplished as to excite but little interest except to the nations concerned, and had no direct bearing of any moment upon European politics. The outward form of the political institutions

of the Dutch and Swedes in America were sufficiently similar to occasion no need of drastic reform, and Holland was entirely content to permit the Swedes to continue the establishment of the Lutheran faith. In fact the idea of the Dutch was not so much the gratification of lust for war as it was the control of the Delaware and the commercial subjugation of territory, which, from its natural fertility and its Indian trade, promised an increase in revenue and the economic advancement of Holland. True, both the Hudson and Delaware Valleys passed under the administration of the Dutch, and Holland was the better enabled to strike north at New England or south at Maryland and Virginia, or to protect herself in homogeneous territory in case of attack. But her American relations to England were of less importance to her than the development of agricultural and commercial enterprises upon the Delaware. This at once secured the Swedes, so long as they paid taxes and acknowledged the authority of the Dutch officials, liberty of action.

The Swedes in New Jersey early amalgamated with both the Dutch and the English, particularly with the latter. Unlike the Hollanders in East Jersey, who married and intermarried, preserving racial traits and language beyond the Revolutionary period, the Swede almost immediately merged into the dominant race. After 1725, in such church

records as have been preserved, it is quite rare to find the union of Swedish men and women of the pure stock. While in 1700 there were many in West Jersey who spoke Swedish; by the middle of the century the tongue was almost forgotten; and by 1800, except for the retention of a few words, Swedish was a dead language upon the New Jersey shore of the Delaware.

The decline of the mission churches in West Jersey, the shifting of the Swedes to the Society of Friends or to Episcopalianism, was the effect rather than a cause of their loss of nationality. With their language, their literature, and their church eradicated from West Jersey, and but weakly sustained in Delaware and Southeastern Pennsylvania, racial pride was scarce a name even among themselves.

But the physical impress of the Scandinavian was more enduring, and remains to this day a fact as visibly evident as it is genealogically provable. In Salem City, in Swedesboro, and among old settled families in the Maurice River Valley the course of this blood has held its way for over two centuries as permanent as the Lenni-Lenapé strain of equal antiquity, if not always of equal value.

Mentally, the Swedes gave to the English settlers additional strength. The range of this particular influence was never broader than Burling-

ton on the north and Maurice River on the south, and was practically centered in Western Gloucester and Salem Counties. But from this section came men famous in colonial merchant marine, men who had to a large degree Swedish blood in their veins, and who went down to the sea in their ships, driven by impulses which sent their Viking ancestors into the unknown ocean from the cold shores of the old home under the midnight sun. Small wonder is it that the early vessel captains of the Delaware were a hardy, honest race of men who commanded the respect of opulent Philadelphia merchants, and amassed for their patrons and themselves fortunes in adventures projected from Labrador to the Indies.

In colonial politics Swedish names are of as infrequent occurrence as those of the French Huguenot of Monmouth. Neither, apparently, had political ambitions, or, if such were possessed, lacked the adaptability necessary to secure recognition. Fortunately both Swedes and French recognized the futility of the injection of racial characteristics into administrative affairs, and left to the English the management of their own province.

Of all the settlements within the limits of the United States by nations other than England no one attempt possesses a more curious and less recognized field for historical investigation than that of the Swedes upon the banks of the Delaware.

IN COMMON with other maritime nations of Western Europe, the upbuilding of Spain, by reason of her West India trade, led Holland to seek in the New World equal if not greater commercial prestige. The cause was one that appealed to the Dutch. Hating Spain with deadly hatred, ambitious to test her influence as a world power, limitless in her resources, a proposition made by William Usselinx, an exiled Antwerp merchant, led, in 1606, to the formation of a definite plan for a West India Company. The corporation was to have a life of thirty-six years, and to receive for a time the support of the United Provinces. Owing to jealousies of these provinces, the possibilities of the ships of the company preying upon Spanish commerce, and jeopardizing a possible peace with Spain, the idea was temporarily abandoned.

The year 1609 is made memorable by the appearance upon the shores of America of Henry Hudson, an English navigator in the employ of the East India Company, who, abandoning at sea his plan to find a northeast passage to India, proposed to seek at 40 N. latitude a northwest passage. Failing to find an inlet to the Western Ocean at Newfoundland, Penobscot Bay, or Cape Cod, he sailed for a week in Delaware Bay and River, and early in September, after landing upon Sandy Hook, took his yacht, "Half Moon," one

hundred and fifty miles toward the headwaters of the "Great North River of New Netherland." Upon his return to Europe the excitement caused in Holland by the discovery of Hudson was unbounded, says Berthold Fernow in his chapter on "New Netherland" in Winsor's "Narrative and Critical History of America," particularly because "the newly discovered country abounded in furbearing animals," an important consideration to a people compelled "to resort to very warm clothing in winter."

The voyage of Hudson was followed by a number of private ventures, and, under authority, the Dutch established themselves on Manhattan Island in 1614. In 1623 more formal possession was taken of the territory by the West India Company, which had been finally chartered in 1621 by the States General. In the former year Captain Cornelis Jacobsen Mey entered the Prince Hendrick or South River, built Fort Nassau near Red Bank, and named the north cape of Delaware Bay in his honor, while Adrian Joesson Tienpont, in the Prince Mauritius or North River, strengthened the defenses on the point of Manhattan Island. Near the fort at Albany, which had been erected in 1618, he built a new structure which he called Fort Orange.

Preparations were made for colonizing and governing the settlements of the Hudson River Val-



WILLIAM THE FIRST

ley. Director Peter Minuit, in 1626, for the value of twenty-four dollars, secured the Indian title to Manhattan Island, and a new "charter of freedom and exemptions," strongly tinged with the faults of the feudal system, was secured from the government of Holland. But while this charter was under discussion some of the directors of the West India Company, between April, 1630, and July, 1631, "took advantage of their position and secured for themselves a share in the new privileges by purchasing from the Indians, as the charter required, the most conveniently located and fertile tracts of land." This policy of purchase, instituted by the Dutch and adopted by the Quakers, was a recognition that the Indian had rights of life, liberty, opinion, and property. It was the acknowledgment of those rights that won for the Dutch the friendship of the Indian, who, by holding back the French in Canada, made Holland's province in America a possibility and thus permitted united action of the colonies in the French and Indian War.

Of the patroonships established along the upper Hudson and in New Jersey but one, Rensselaerswyck, at Fort Orange, was successful. An association of merchants, among whom was Captain David Pietersen de Vries, the cartographer, had purchased the two lower counties of the present State of Delaware, to which region were sent

two vessels filled with colony-planters, designed to cultivate grain and tobacco and to conduct the whale fishery. The plan proving partially successful, a second attempt was made, this time in New Jersey.

Upon the 3d of June, 1631, Director Peter Minuit issued a patent to Samuel Godyn and Samuel Bløemmært, under the "jurisdiction of Their Noble High Mightinesses, the Lords States-General of the United Netherlands and the Incorporated West India Company, Department of New Amsterdam." It is one of two documents found in Holland which have come down from the times of the Dutch West India Company, the rest having been sold as waste paper. The Indians, "lawful owners, proprietors, and inhabitants of the East side of Goddyn's East bay called Cape de Maye," through Peter Heyssen, skipper of the "Walvis," and Gillis Hosset, commissary of the vessel, evidently agents of Godyn and Bløemmært, conveyed to the patroons a tract of land embracing sixteen square miles. The estate, which is loosely described, but which included the southern portion of Cape May County, is designated as being upon "the east side of Goddyn's bay or Cape de May, reaching 4 miles from the said cape towards the bay, and 4 miles along the coast southward, and another 4 miles inland."

In May, 1632, a second expedition came to the

South River, but the Indians having killed the thirty-two settlers at Zwanendale in the State of Delaware, the attempts toward colonization in Delaware and Cape May were abandoned. Two years later the title to these tracts was once more, by sale, vested in the West India Company.

The creation of the patroonship in America is one of those interesting features of colonial life almost forgotten. Claiming manorial rights, with power to hold courts, the "patroon" was granted a tract of land, if on a river, sixteen miles upon one bank or eight miles upon both banks, extending into the back country as far "as the situation of the occupiers will permit." In consideration of such a grant of land, of which the patroon was judge as well as owner, he bound himself to transport to the Hudson or the Delaware fifty settlers above the age of fifteen, provide each at his own expense with a stocked farm, furnish a pastor and schoolmaster, and to charge a low rent. The emigrants bound themselves to cultivate the land for ten years, to use only Holland cloth, to have their grain ground at the patroon's mill, and to offer the sale of the grain first to the patroon.

Under the administration of Wouter Van Twiller, who as director succeeded Peter Minuit, the affairs of New Netherland came to an unhappy pass. An Indian purchase of lands in Connecticut in 1633 and the erection of Fort Hope, near Hart-

ford, led to a quarrel with the English, and the erection of Fort Beversrede on the Schuylkill, with additions made to Fort Nassau, implied a bold assertion of Holland's claims to all the lands in the valleys of the Hudson and the Delaware. The revenues of the Dutch West India Company were used in building up New Amsterdam (New York City) and Fort Orange (Albany), while the director granted to himself and his friends the best lands in the colony.

Quarrels between the patroon of Rensselaerswyck and the West India Company over the interpretation of the privileges granted in 1629, the failure of the company to send colonists to America, and Van Twiller's maladministration, as pointed out by Berthold Fernow, were the causes leading to a general retrogression of the colony. But as the charter of the company was the fundamental evil it was decided to overthrow the monopoly and to open the colony, in trade and agriculture, "to every immigrant denizen or foreigner." Into New Amsterdam poured a new population,—New Englanders, escaping religious persecution, freed servants from the tobacco plantations of Virginia and Maryland, wealthy planters, and peasant farmers of Continental Europe,—so that in 1643 eighteen nationalities were represented in a population early cosmopolitan.

The administration of William Kieft, who suc-

ceeded Van Twiller in 1637 and remained in office until 1647, was largely marked by a demand for popular representation in the government of the colony. The first representative body upon the shores of the Hudson was an advisory board elected in 1643 by the people to consult with the director and his council upon the expediency of an Indian war. This board the director abolished, although the small towns in the colony enjoyed as large a share of self-governing as those in the mother country. New Amsterdam, however, was still ruled through the company by the director and his council.

The arrival of Peter Stuyvesant as director of New Netherland meant a certain political change. Under his instructions the colony was to be governed by the director-general, and a council composed of the vice-director and the fiscal, an officer appointed to give his opinion upon financial and judicial questions and, if required, to act as public prosecutor, while the people were given the right to be heard by the provincial government on the general conditions of the province. But in spite of an evident desire to do justice, although obstinate in tenaciously holding to the rights and privileges of his office, Stuyvesant was compelled to witness the decline and ultimate fall of Holland's power in America. Hampered by lack of funds, he could not provide for the pro-

tection of New Amsterdam, which was almost destroyed by an attack of the Indians from the surrounding country in 1655, while the military force of New Netherland was rooting out Sweden on the Delaware. This disaster was avenged in 1663, when, for the murder of several Esopus settlers, the Indian tribe of that name was obliterated.

In a treaty with Connecticut in 1650 the director had been compelled to relinquish Holland's claims to the soil of that colony. The principal towns of Long Island were in the hands of the English. Stuyvesant had assumed some of the quarrels of Kieft—enough to create a popular party crying for liberty, which obtained his consent, reluctantly given, for the meeting of a General Assembly to consider the state of the province.

Upon the Delaware affairs were in little better shape. From 1655 to 1657 both the Swedish and Dutch settlers were treated to a display of administrative incompetence, while in May of the latter year the West India Company ceded a part of the Delaware region to the City of Amsterdam, and in consequence the name of Fort Casimir was changed to New Amstel and Christina to Altena. The remaining years until 1664, when the Dutch possessions passed into the hands of the English, were occupied with internal quarrels between the authorities and external troubles with Maryland

concerning the Indian question. During the decade of Dutch rule the colony on the Delaware made little or no progress. Its very helplessness was almost pathetic.

Of the settlements made upon the New Jersey shore of the Hudson River and intimately associated with the early history of the Dutch in New York was the locality known as Hobocan-hackingh, where the Indians and fur traders crossed to trade gewgaws for peltries. Here in 1609, upon the voyage of the "Half Moon," Henry Hudson and Juet, his mate and historiographer, saw the "cliff that looked of the color of white green"—now the Castle Point estate of the Stevens family, and which the Dutch navigators supposed to be formed of copper or silver ore.

In the year 1630 was created the patroonship of Pavonia, derived from *pavo*, the Latin equivalent of the Dutch *paaun*, peacock, which appears in the surname of Michiel Pauw, Burger of Amsterdam and Baron of Aechtienhoven, in South Holland. His patroonship embraced the Hudson River front opposite New York City, thus including Hobocan-hackingh, from which the locative "hackingh" was later dropped. He made little progress in settling the tract, in compliance with the conditions of his grant, and the West India Company brought him to account in 1634, seeking to revoke their concession. He resisted, and the

company bought him out for twenty-six thousand florins. In 1633 the company had erected two houses in Pavonia—one at Communipaw and one at Ahasimus, the former later occupied by Jan Evertsen Bout (1634) and the latter by Cornelis Van Vorst (1636), who died in 1638.

During the Dutch occupancy of New York but little development was made at Hobocan-hack-ingh—"the place of the tobacco pipe." In 1643 Aert Teunissen Van Putten occupied a farmhouse and brewhouse which had been erected north of Hoboken, and attempts were made to promote agriculture. But the somewhat inaccessible river front and the superior advantages of the lower land to the southward led to the later but more active growth of Hoboken's neighbor—Jersey City.

From the unsuccessful patroonship of Michiel Pauw sprung another settlement, that of Michael Paulusen, who, in 1633, at Paulus Hook, erected a hut where he purchased peltries from the Indians. The site of this trading hut lies nearly one thousand feet to the westward of the ferry house, the river having been filled in to that extent. For many years the little colony at Jersey City remained a trading and small agricultural community, nor was it until 1660 that the town of Bergen, now Jersey City Heights, was established, and for the protection of the inhabitants

a palisaded fort was erected at Bergen Square. A Reformed Dutch Church was organized immediately, the people worshiping for nearly twenty years in the log schoolhouse, until a substantial church edifice was erected in 1682. The congregation is the oldest in New Jersey. Here the Dutch settlers could look far to the eastward over the island-dotted swamps, where Jersey City was some day to arise, and down its long road, often tide-swept, as late as the Revolutionary War, to the sand-spit at Paulus Hook. Beyond lay the Hudson and the tree-girt shores of Manhattan Island, and in the blue haze the lowlands of Brooklyn.

Through the ignorance and stupidity of Governor William Kieft the early annals of Jersey City were "stained by a most atrocious tragedy." The Tappan Indians of the vicinity were most peaceably disposed, and, being harassed by a northern tribe, fled for protection to the settlers of Communipaw, now the village of Lafayette. Moved by the arguments and wine of those greedy for Indian lands, Kieft gave an order for the extirpation of the members of this tribe, who had thrown themselves upon the hospitality of the settlers. According to William L. Stone, in his study of the suburbs of New York, printed in the "Memorial History" of that city, eighty Dutch soldiers, on the night of February 27, 1643, under command

of a Sergeant Rodolf, attacked the sleeping Indians, who were encamped at Jan de Lacher's Hook in Lafayette, and, regardless of sex, with brutal atrocity, massacred eighty aborigines, young and old. The bodies of the dead were thrown indiscriminately into trenches. Believing that they had been attacked by the Mohawks, some of the refugees fled to New Amsterdam, begging from the inhuman governor a protection to which they were so well entitled.

The natural result was an Indian war, waged with unrelenting fury from the Raritan to the Connecticut. Farms were laid waste, women and children dragged into captivity, and "not a white person was safe except, indeed, those who sought and found refuge within the palisades of Fort Amsterdam." Thereafter the history of the settlements in Hoboken and Jersey City is without especial interest until the arrival of the English conquerors.

During the period of political control of Holland over the territory embraced within the limits of the State of New Jersey her occupancy of the soil west of the Hudson River was of a distinctively tentative character. Over a vast portion of the State the foot of the white man had never trod. Toward the Swedes the position of Holland was that of armed neutrality, and in spite of occasional assurances of friendship the Dutch awaited the

time when Swedish politics had become so shaped that the Delaware settlements would fall an easy prey.

At last, finding them unprotected, Holland struck the blow and assimilated the trading posts and the farms in the Delaware and Schuylkill Valleys. Other than this, the attention of the Dutch was devoted almost exclusively to the up-building of Albany and New York and the establishment of communities upon the lower Hudson. In short, the political power of Holland was due more to physical than to artificial causes, and to the fact that England, during the Cromwellian period, had first civil war and then European complications to occupy her attention. In holding the mouth of the Hudson and adjacent territory, and later the Delaware, the Dutch separated the New England colonies from the possessions of the English crown in Maryland and Virginia, and were in a sense placed in a position to dictate terms to an intruder. Such would, indeed, have been the case had not the Dutch West India Company been at the first so unwieldy a corporation. Its assumptiveness fostered jealousies, and its power, exercised through more or less obstinate and inefficient governors, bore heavily upon the colonists. When the superior force of England came at last the conquerors found a community which, through misgovernment, was quite ready

to change masters, provided the newcomers permitted them the liberty of ancient speech, domestic customs, and social and religious freedom. These privileges being granted, it is later that the true Dutch influence which has been of a most enduring character appears in New Jersey.

A recent historian very properly observes that in summing up the question of the occupancy of New Jersey by the Dutch and Swedes the fact remains undisputed that, while vast claims were made by both nations, neither regarded their settlements, in the State, as anything more than mere outlying dependencies. The Dutch interests were centered in New York and Albany, the Swedish in Wilmington and Tinicum Island, while but little effort was made to colonize New Jersey.

Underlying all assertions made that both the Dutch and Swedes sought a religious asylum in the New World is the ever-recurring fact that the two nations were moved by a common impulse—that of territorial acquisition in the partition of a new continent and the economic advantages derivable therefrom. Indeed, both the Hollanders and Swedes, at home, enjoyed a large degree of religious freedom, and, while both transplanted to America a spirit of toleration, the contention that they came to America solely to seek such an advantage falls to the ground.

Nevertheless it must not be forgotten that to

the Hollander is due the credit for establishing the principle of purchasing Indian title to land, that he planted wherever he went his church and his school, that in spite of a certain intensity of obstinate pride he respected civil authority and lent his aid to the upbuilding of a moral state. In politics the Hollander took the side of justice to the oppressed; in religion he fought to the end for the sake of principle. While New Amsterdam was struggling for existence Old Amsterdam was the center of a life of culture and refinement, where science, art, and music, as well as the learned professions, were joined in a community of interests. While such progress at home found but faint reflection in America, the hardships which the colonists encountered for the commercial glory of the mother country must ever be to Holland as great a compensation as their presence to distant generations of America was a gain.

IN a memorable critique entitled "The English in New York" John Austin Stevens says: "The trading spirit is not itself sufficient to establish successful settlement, and monopolies cannot safely be intrusted with the government of colonies." In this enunciation may be found the true reason of the failure of Holland to sustain New Netherland in America, where, during an equal period of occupancy, there were seven thousand residents as opposed to one hundred thousand English upon the north and south. In the contest with France for the control of the Indian fur trade Holland had neglected practically every political and economic consideration underlying the growth and development of a transatlantic dependency.

For some years England had looked upon New Netherland with longing eyes. From time to time her right to the soil had been asserted in a desultory manner, but it was in the passage of the Navigation Act in 1660 that the first blow against Holland's commercial supremacy was struck. In avoidance of the act an illicit trade had sprung up along the Atlantic seaboard between the English and the Dutch, and the royal revenues had been deprived of £10,000 per annum. Charles II, who needed money more than aught else, resolved that the English settlements upon the Atlantic coast from northernmost Massachu-

setts to the most southern point of the Carolinas, must be homogeneous, and thus be placed in a position to contribute to the funds lavished in England upon courtiers, charlatans, and courtesans. Lightly upon the King sat Cromwell's recognition, in 1654, of Holland's title to lands in the New World, so lightly, indeed, that when the States-General in 1664 demanded that the boundaries of Holland's and England's possessions in America be adjusted, Charles, rather than acknowledge any claim of the Dutch, met the demand with a declaration of war.

Both in England and in the New World conditions favored such an attitude on the part of the crown. Foremost in the movement to Anglicize all the seaboard settlements was Edward Hyde, the royal chancellor, whose daughter had married James, Duke of York, brother of King Charles II and heir to the throne. Under the view taken by the crown lawyers, who were strenuous in support of the personal rule of the Stuarts, it was held that a title from the King to his brother would merge in the crown, creating a centralized form of government, and indirectly put a quietus upon the tendency of the New England colonies to drift into republicanism.

The movement for control of this domain began with legal proceedings as a precedent for military conquest. In 1621 Sir William Alexander, a cour-

tier, and at the time secretary of state of James I, obtained a grant for Nova Scotia; in 1628 Charles II granted him the province of Canada; and in 1635, at the request of the King, the Plymouth Company issued a patent to Alexander (who in 1630 had been raised to the peerage as Viscount of Stirling, and in 1633 had been advanced to the dignity of Earl of Stirling and Viscount Canada) for Long Island. About 1662 Henry, third Earl of Stirling, conveyed his title to Long Island to the Duke of York, and upon March 12, 1663-64, Charles II issued a patent to James, Duke of York, for all the islands between Cape Cod, the Narrows, and Hudson River, including Martha's Vineyard and Nantucket, as well as all the lands between the Connecticut River and the east side of Delaware Bay. The continental boundary was a line from the head of the Connecticut to the head of the Hudson, thence to the source of the Mohawk, and finally to the east side of Delaware Bay.

Excepting that the government of this royal domain should be consistent with the statutes of England, the patent gave to the Duke of York absolute power to govern within this dominion. To four commissioners, Colonel Richard Nicolls, Colonel George Cartwright, Sir Robert Carr, royal army officers, and Samuel Maverick, selected by the Duke of York, were given instructions to sub-

due the Dutch and "increase the prerogatives of the Crown in the New England Colonies," which colonies the Duke of York desired most heartily to add to the great estate patented to him by his brother. To these Commissioners was delegated the administration of civil and military affairs in New England. Particularly to Colonel Nicolls, a man of good education and devotedly attached to the wavering fortunes of the house of Stuart during the Cromwellian period, were granted plenary powers as deputy governor over the domain covered by the King's patent.

Immediate preparations were made for a military invasion. In May, 1664, there sailed from Portsmouth a small fleet, with three companies of the King's veterans, bound for New England. Securing reinforcements, the squadron later anchored off Coney Island and invested New Amsterdam. The Dutch town, neglected by the States-General and the impotent Dutch West India Company, with Director Stuyvesant in Albany attending to Indian affairs, was totally unprepared for such an unequal contest. Stuyvesant hastened to New Amsterdam, and for a time, demanding that the town be put in a state of defense, stubbornly refused to yield. Discretion at last overcoming his willful valor, Stuyvesant agreed to capitulation, protesting against the cowardice of the people, who preferred a change of masters rather

than the destruction of their property by bombardment.

Upon the 29th of August, 1664, without bloodshed, the articles of surrender were ratified and the English colors, by order of Nicolls, were raised over the fort at New Amsterdam, thereafter to be known as New York in honor of the duke. To Cartwright, Albany and Esopus on the Hudson capitulated, while the settlements on the Delaware surrendered quietly to Sir Robert Carr. Thus within two months the political supremacy of Holland in America became obliterated. In the conquest New Jersey, as yet undesignated except as a part of New Netherland, was formally recognized for the first time in colonial history as a dependency of the British crown.

In the administration of the newly acquired territory Deputy Governor Nicolls pursued a policy as just as it was beneficial. The changes made were purely of a political character. The administration of justice was conducted practically under the old forms and existing officials were continued in place. A code, known as the "Duke's Laws," permitting jury trials, equal taxation, and assurances of perfect land title from the Duke of York, was established in 1665, limited first to Long Island, but in the course of twenty years gradually extended throughout New York and to the settlements on the Delaware. Rights of

property, both private and those of the Dutch West India Company, were guaranteed, while free passage of individuals and trading ships between New Netherland and Holland was permitted.

To the inhabitants freedom of religion to all professing Christianity and the recognition of the Dutch doctrine and discipline in ecclesiastical matters were assured. In view of the establishment of good government, and of non-interference in local language, customs, and manners, most of the inhabitants of New Amsterdam, including Director Stuyvesant, subscribed to the oath of allegiance. In New Jersey the few inhabitants also accepted, without question, the supremacy of the conquerors.

By the treaty of Breda, in 1667, the English title to New Netherland was confirmed after a short but sharp European contest between Holland and England, which in no way affected New York and New Jersey.

While the squadron of conquest was upon the high seas James, Duke of York, executed deeds of lease and release for a part of his American territory. With the signing of these deeds upon June 23 and 24, 1664, the separate history of New Jersey as a colony begins.

There were in the Stuart court two men of influence and power who, like Nicolls, had attached



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themselves to Charles II and James during the years preceding the Restoration. One was Lord John Berkeley, Baron of Stratton, the other Sir George Carteret, of Saltrum, who had interests in the Carolina venture and were associated with the Duke of York in the Admiralty Board. To these faithful adherents James granted all that portion of his acquisition bounded on the east by the main sea and the Hudson River, extending southward as far as Cape May, on the westward by Delaware Bay and River and "as far as the Northermost Branch of the said Bay or River of Delaware which is forty-one Degrees and forty Minutes of Latitude," and thence in a straight line to the Hudson River in forty-one degrees of latitude, "to be called by the Name or Names of New Cæsarea or New Jersey." The designation was in honor of Sir George Carteret's defense in 1649, of his native Isle of Jersey, when attacked by the army and navy of the parliamentarians.

The duke reserved a yearly rental of "*Twenty Nobles* of lawful money of England," payable at Inner Temple Hall, London, at the feast of Saint Michael the Arch-Angel. The grant conveyed all the powers conferred upon the duke, which, although not expressly stated, included the right of government, thus, as was conceived, "transferring with the land the allegiance and obedience of the inhabitants." Thus it was that the two noble-

men, "true and absolute Lords Proprietors of all the province of New Cæsarea or New Jersey," found themselves owners of a vast tract of land, its great river fronts sparsely occupied by Dutch and Swedes and nomadic bands of Indians, and the proposition regarding colonization as yet unsolved.

The conditions surrounding emigration to a practically new and unexplored land were favorable. As shown by a contemporary writer, there were in the British Isles, at the close of the Commonwealth, a large body of yeomanry who extended to Charles II little more than a half-hearted welcome. Puritans and Independents in England, and descendants of the old Covenanters in Scotland, with many members of the rapidly growing sect of Quakers, represented an element fearful of the return of Roman Catholicism and of autocracy. Added to this were soldiers of fortune, who had possibly fought with Cavaliers and Round Heads, men of no religious convictions, but who were willing to seek a new home, younger sons of the country gentry with no hope of patrimony, and a scattering representation from the submerged class of London and the smaller cities. It was from these social factors that Berkeley and Carteret sought their settlers.

For the securing of these people Berkeley and Carteret, upon February 10, 1664-65, signed and

published "*The Concessions and Agreements of the Lords Proprietors of the Province of New Caesarea or New Jersey* to and with all and every the *Adventurers* and all such as shall settle or plant there." As a declaration of organic law of the colony "the Magna Charter of New Jersey," the Concession and Agreements were liberal in their terms, although the instrument was theoretically devised, as neither Berkeley nor Carteret, as suggested by the late William A. Whitehead, had communicated in any way with the inhabitants or had even personally inspected the peculiarities of the country. Under its terms the government of the province was lodged in a governor, a council, to be chosen by the chief executive, to consist of not less than six nor more than twelve members; and an assembly of twelve members chosen annually by the "freemen." The appointment of all officers was delegated to the governor and council, who were to execute the laws and to exercise a general supervision over all courts to be created by the Assembly. To the Assembly was given the right of passing all laws, not inconsistent with the statutes of England or the interest of the Lords Proprietors; these laws to "receive publication from the governor and council," remaining in force for one year, during which time they were to be submitted to the Lords Proprietors.

To every freeman embarking with the first governor one hundred and fifty acres of land was promised, provided the immigrant equipped himself with "a good musket, * * * bandiliers, and match convenient," a similar provision being made for every able man servant so equipped. To slaves over fourteen seventy-five acres of land were promised, and a similar acreage to every Christian servant upon the expiration of his or her "time." In towns and boroughs to be laid out under direction of the governor and council one-seventh was reserved for the Lords Proprietors. Occupation of land was secured by a warrant from the governor directing the surveyor to lay out the tract, whereupon a grant or patent signed by the governor and a majority of the council was issued. After 1670 such land was subjected to a quit-rent of not less than half a penny per acre. Liberty of conscience was guaranteed, and each parish was allowed two hundred acres for its ministers, whose maintenance was to be provided for by the Assembly.

In April, 1665, Philip Carteret, a relative of Sir George Carteret, sailed from England bearing his commission as the first governor of New Jersey, reaching New York on July 29th. Here for the first time Deputy Governor Nicolls was informed of the alienation of New Jersey by his royal master, while Governor Carteret was advised that

Nicolls, in ignorance of the transfer, had confirmed an Indian land sale, the grantees being from Long Island. Already four families were settled upon this tract, lying opposite Staten Island. Deputy Governor Nicolls had also confirmed an Indian sale of lands lying west of Sandy Hook, later known as the "Monmouth Patent," from which sprang the settlements of Middletown and Shrewsbury. Thus in spite of the efforts made by Nicolls to perfect his New York government to provide for the wellbeing of his people, and to hold back the French in Canada by the support of Indian allies, he found his authority threatened by the dismemberment of the domain under his control and the establishment of a rival, if not antagonistic, government.

In the meantime Governor Carteret landed at a point which he called Elizabethtown in honor of the wife of Sir George Carteret. Furthermore the inhabitants of New Jersey were required to take an oath of allegiance to the King and the Lords Proprietors. To this end thirty-three settlers of Bergen, sixty-five inhabitants of Elizabethtown, thirteen residents of Woodbridge, twenty-four men of Navesink, two of Middletown, and two upon the Delaware River subscribed to the oath during the next two years.

The year 1666 was notable not only in the history of the colony but of the State. The "Con-

cessions and Agreements" having been published in New England, and receiving the attention of members of the Congregational Churches in Milford, Guilford, Branford, and New Haven, a committee of these Puritans, led by Robert Treat, was sent to Governor Carteret to examine the advantages offered by the Lords Proprietors. Rejecting Burlington as a possible location, decision was made upon the present site of the town of Newark. In May, 1666, the New Englanders with "their families, their beloved pastor, their church records and communion service, their deacons, and their household goods" reached their destination.

After some trouble with the Indians a purchase was made including Newark, Belleville, Bloomfield, and the Oranges. In the settlement were some thirty families who in "our Town upon the River Passaick" desired "to be of one heart and consent, through God's blessing with one hand they may endeavor the carrying on of spiritual concernments as also civil and town affairs according to God and a Godly government." To aid in their local affairs "Fundamental Agreements" were signed, which were as perfectly in keeping with the spirit of Puritan theocracy as could be devised. Their tenor was the limitation of political and religious activity, through the agency of town meeting, to those who maintained "the Purity of Religion professed in the Congregational

Churches," yet so well did the system of intolerance succeed that by 1685 Milford, alias Newark, was spoken of as the most compact town in the province, with a population of about five hundred.

From the beginnings of colonial life in New Jersey the attention of the settlers was mainly directed toward the adjustment of land titles and the settlement of conflicting claims. To the soil of New Jersey, as elucidated by John Whitehead, there were four great sources of title: first through the Indian; then through the Dutch; thirdly, those from Governor Nicolls; and lastly those from the Lords Proprietors. Behind all was the grant from Charles II claiming paramount title by virtue of discovery and his undoubted estate in the later colonies and parts of colonies originally granted as "Crown lands."

Such were the conditions that presented themselves to the first Assembly ever convened in New Jersey, which met in Elizabethtown, May 26-30, 1668. To this Assembly came "Burgesses" from Bergen, Elizabethtown, Newark, Woodbridge, Middletown, and Shrewsbury. Among the legislation of the body twelve capital laws were passed, most of which breathe the *lex talionis* of the Hebraic dispensation. The members reassembled upon the 3d of November, when the famous Indian traders and interpreters, Peter Jegou and Fabrus Outout, represented the settlements on the Dela-

ware. But the members precipitating a controversy between themselves and the governor, and in spite of attempts at reconciliation, the Assembly adjourned, after passing legislation affecting the militia, the Indians, and the marking of cattle.

Into the second Assembly, which met November 3, 1668, was injected the question of the validity of the land titles granted by Nicolls. Within the so-called Monmouth grant were the two little settlements of Middletown and Shrewsbury, whose deputies, refusing to take the oaths of allegiance and fidelity, were dismissed, particularly as the major part of the inhabitants of those communities had refused to pay their share of £30 levied by the first Legislature "for defraying the public charge." Nor would the authorities in the town publish the laws passed by the Assembly.

It was contended that the Indian title, confirmed by Nicolls, was supreme, and that if the residents of Middletown and Shrewsbury could not obtain relief from the burden of the proprietary quit-rents they would practically organize an independent government. In June, 1667, a local Assembly had met at the Highlands and declared inferentially in a guarded manner that the inhabitants were not subject to the government of the Lords Proprietors. In Elizabethtown there was

disaffection, which in fact spread to all the settlements, probably with the exception of Newark, which, in two successive town meetings, declared its willingness "to perform our Duty to the Lords or their Assigns."

In March, 1672, with the colony in "confusion, anxiety, and doubt," an Assembly met presumably to discuss the vexed question of titles, "but the proceedings, not recognized by the governor and council were suppressed." Upon May 14 of the same year representatives from Elizabethtown, Newark, Woodbridge, Piscataway, and Bergen assembled and, not receiving the sanction of Philip Carteret and his council, proceeded to the election of a "President," owing to the absence of the governor. But not only was it claimed that their choice fell upon a "President" of the Assembly, but that he was also "President of the Country," practically an overt act of rebellion. The selection of the delegates was James Carteret, said to be an illegitimate son of Sir George Carteret, who, having been made a landgrave of Carolina, had stopped in New Jersey on his way thither. Claiming to have a warrant from his father, "President" Carteret assumed chief authority in spite of the issuance of a proclamation by Governor Carteret and promise of favor to those who would aid the Lords Proprietors.

Under the advice of his council Governor Car-

teret departed for England, leaving John Berry as deputy governor. Upon the presentation to the Lords Proprietors of the condition of affairs in the province Sir George Carteret ordered "President" Carteret to depart at once for Carolina. The authorities in New Jersey were directed by the Duke of York to notify the insurgents that the claims under the Nicolls patent would not be recognized, while the King confirmed Berry's appointment and commanded obedience to the Lords Proprietors. The publication of these and similar documents tended at once to quiet the colony and to restore peace to the people.

Scarcely had New Jersey entered upon a career of prosperity when the colony was called upon to renew its allegiance to Holland. To restrain the growing power of France a treaty, known as the Triple Alliance, was formed, in 1668, between England, Holland, and Sweden, which in 1672 was dissolved; a secret treaty between France and England was concluded and war was declared against Holland. Although defeated on land the Dutch were successful upon the sea, and in August, 1673, a Dutch fleet commanded by Evertsen appeared off Staten Island. The squadron was of formidable size. To the ships of the original complement men-of-war had been added as well as prizes captured from the Virginia fleet of tobacco ships in the Chesapeake.

Under Governor Francis Lovelace, who had succeeded Deputy Governor Nicolls, the Island of Manhattan was as poorly prepared for defense as it had been in 1664, when the Dutch were in possession. Governor Lovelace had heard the rumor of the departure of the squadron, and had assembled a force, which was later dismissed, as the report was believed to be unfounded. Upon the 8th of August, 1673, six hundred Dutch soldiers landed above New York City at a point adjacent to Wall Street, marched against Fort James, then commanded by Captain Manning, and his garrison of less than eighty men. By a singular coincidence Governor Lovelace was absent from the city upon a friendly visit to Governor Winthrop, of Connecticut, as Director Peter Stuyvesant had been absent in 1664. As upon the former occasion New York surrendered in a bloodless contest, the Hudson River towns made submission, while a council of war assembled composed of the Dutch commanders, Cornelius Evertsen, Jacob Benckes, and Captains Anthony Colve, Nicholas Boes, and Abram van Tyll. The name New York was changed to that of New Orange in honor of William of Orange, Stadholder.

There appeared before this council inhabitants of "Elisabets Towne, Nieworke, Woodbridge, and Piscattway," of "New Yarsey," who petitioned that they might be permitted to treat respecting

the surrender of these towns. The inhabitants of the "Village of Bergen and the Hamlets and Bouweries thereon depending," as well as "Middletowne and Shroesbury," were also directed to send delegates for a similar purpose, under a threat of subjugation by force of arms. To the territory embracing these towns the generic name Achter Coll, "Back of the Bay," was given, although at first applied only to Newark Bay. For the towns officers known as schouts and schepens, popularly nominated and confirmed by the Dutch council, were selected. For the six English towns a general schout and a general secretary were appointed.

In the returns made to the council the population of the English towns for 1673 is given as follows: Elizabethtown eighty men, Newark eighty-six men, Woodbridge fifty-four men, Piscataway forty-three men, Middletown sixty men, Shrewsbury sixty-eight men, with eighteen Quakers. Of practically four hundred men in the eastern part of the province a large proportion took the oath to support the government of their "High Mightinesses, the Lords States-General of the United Netherlands, and his Serene Highness, the Prince of Orange."

The Dutch commanders, having appointed Captain Anthony Colve governor-general of the province with authority over New Jersey, returned to

Holland accompanied by the deposed English governor, Lovelace. For the government of the towns in New Jersey “provisional instructions” were sent to the schouts and schepens, who were to maintain the Reformed Christian religion in conformity to the Synod of Dordrecht, to exercise jurisdiction in civil matters and misdemeanors, crimes being referable to the governor-general and his council. To them were referred all local police lands and gardens, and whatever pertained to agriculture, as well as the erecting of churches, school houses, and similar public works. Upon the 15th of November Governor-General Colve appointed a general thanksgiving to be held upon the first Wednesday of every month, when “all manner of Labour and exercizings, of hunting, of ffishing, gaming, Excesse in drincking, and the Lyke” were forbidden, and “all Inkeepers and ordinaris not to Retayle any Licquors or drinke upon Penalty of Corporall Punishment.”

The tenure of Dutch rule in New York and New Jersey was of short duration. Recognizing the impossibility of maintaining even a form of government at so great a distance from Holland, the Prince of Orange made to Charles II a tender of his newly acquired territory, and upon the 9th of February, 1674, by the terms of a treaty signed at Westminster, New Jersey once more passed un-

der English control. The transfer was proclaimed in New York in July of the same year.

With the advent of peace New Jersey became interested in a new dispute, one which eventually affected the political life of the province. Although the Dutch had ceded New York and New Jersey to the King, "it was held," says John Austin Stevens, "that the rights of the Duke of York had been extinguished by the conquest, and that restitution to the sovereign did not convey restitution to the subject." To accomplish this purpose the Duke of York obtained a new patent for his territory under date of June 29, 1674. The duke appointed as governor of his domain Major Edmund Andros, a man of gentle birth, whose jurisdiction included among other parts of the mainland "all ye land from ye West side of Conecticut river to ye East side of Delaware Bay." The form of government designed was autocratic "of the most arbitrary nature in form, but of extreme mildness in practice; one which, insuring peace and happiness to the subject, would best contribute to the authority and revenue of the master."

Upon October 30, 1674, Major Andros arrived in New York and confirmed all titles previously derived from the crown, while Charles II, upon June 13th of the same year, confirmed the title and governmental power of Carteret in New Jersey.

IT WAS upon the 18th of March, 1673-74, that John Fenwick, aforesaid major in the Parliamentary Army and later a member of the Society of Friends, purchased from Lord Berkeley his half interest in the colony of New Jersey. With Fenwick was associated Edward Byllynge, also a member of the Society, their object being the creation in America of an asylum where for the first time the perfect religious and political freedom of which George Fox dreamed would be established upon earth.

In this enterprise there was something of Utopia, yet much that appealed to a man of Fenwick's type of mind. He had fought for the church militant under Cromwell, he strove to establish the church spiritual under Fox. In the deed Major Fenwick was named as trustee for Edward Byllynge as well as for his heirs and assigns.

The ever present dispute concerning landed interests at once appeared. To adjust the difficulties between Fenwick and Byllynge William Penn, who had but recently joined the Society, was called as arbitrator. To Fenwick Penn awarded one-tenth of the purchase, together with money, while nine-tenths were given to Byllynge. Soon thereafter Byllynge became financially involved, whereupon his nine undivided tenths, on February

10, 1674-75, were assigned in trust, for the benefit of creditors, to William Penn, Gawen Lawry, and Nicholas Lucas, also members of the Society. Subsequently Fenwick's tenth passed under their control.

Based upon the transfer of Lord Berkeley to Fenwick the Duke of York, upon July 28-29, 1674, released to Sir George Carteret individually his moiety of the province. This second grant included all of New Jersey north of a line drawn from Barnegat Creek, "aboute the middle betweene Sandy point and Cape May," to another creek "next adjoyneing to and below a certaine Creeke in Delaware River called Rankokus Kill." This attempt at adjustment served merely to further complicate matters, and upon the request of the duke it was soon relinquished.

John Fenwick, purposeful if not masterful, arrived in the Delaware during the month of June, 1675, bringing with him, on the ship "Griffin," his children, relatives, settlers, and servants. Landing at a place to which he gave the name Salem—"peace,"—Fenwick immediately came under the watchful eye of Governor Andros, who saw in the coming of Fenwick an opportunity to extend the influence of the Duke of York over the reign alienated by Berkeley. At a council held in New York, December 5, 1675, an order was issued that Fenwick be not received as owner of lands

upon the Delaware, and that no privilege or freedom of custom or trading on the eastern shore of the bay or river be permitted. In the warrant from Governor Andros to the English sheriff on the Delaware it was charged that Fenwick had granted land, dispossessed owners, sold their real property, assumed power of judicature in the establishment of a manorial court, and granted distilling licenses. Advances made to the obdurate proprietor that he peaceably submit to the New York government were met with peremptory refusals. A warrant was issued for Fenwick's arrest by the Duke of York's officers at New Castle, Delaware.

In spite of his claims of title Fenwick was detained by order of Governor Andros during the latter part of December, 1676. In January, 1676-77, Fenwick appeared before a special court in New York, where he was held in £500 bail not to act in a public capacity, and further gave a bond of £500 to prosecute an appeal to the King. Released on parole, Fenwick returned to Salem, called "Swamptown" in derision by the Duke of York's officers, where he resumed the exercise of his proprietorship, appointed officials, and made preparations for defense. Early in 1676 he had laid out the liberties of Cohansey and Alloways, and had provided for the planting of Salem. Matters reached a crisis in 1678, when Governor An-

dros appointed six "Overseers, selectmen, or Commissioners," who were to be under the general jurisdiction of New Castle in keeping a court as "Town or Corporation att Elenburgh, and In Verckens kill or Hogg Creek." From this time until Fenwick sold his interest in his Salem colony the history of the settlement is clouded with charges and countercharges, so that the good designs of the Lord Proprietor came to naught.

The actual separation between the colonies of East and West Jersey took place upon the 1st day of July, 1676, when a quintipartite deed defined the interests of Sir George Carteret for himself and William Penn, of Rickmansworth, Gawen Lawry, of London, merchant, Nicholas Lucas, of Hertford, maltster, and Edward Byllynge, of Westminster, gentlemen, tenants in common of New Jersey. The line of partition, long known in boundary disputes as the "Province Line," extended from Little Egg Harbor to $41^{\circ}.40'$ north latitude to the Delaware River. To Carteret was awarded East Jersey; to Penn and his associates West Jersey.

To the Society of Friends in England West Jersey offered many inducements as a new home. At the front of the movement stood Penn, the most noted convert of the Society and one of the most farsighted men of his age. His influence in the Society was unbounded, his energy and en-

thusiasm unlimited. Under his impulses two land purchasing and colonizing associations were formed in England, one composed of Friends in Yorkshire, the other of members of the Society in London. To emigrants the trustees of Byllynge offered an abundance of land, not only to freemen, but to servants. A letter signed by Penn, Lawry, and Lucas, and addressed to those proposing to settle in West Jersey, was circulated with great effect. Commissioners to govern the province were sent forward, but the crowning glory of the movement was that document of liberty known as "The Concessions and Agreements of the Proprietors, Freeholders, and Inhabitants of West New Jersey in America."

The Concessions and Agreements unquestionably gave to the spirit of democracy a wider range than had any like expression of Anglo-Saxon organic law. While the authorship is unknown, it may well be credited to William Penn, who, if he was not the Thomas Jefferson of this earlier Declaration, was unquestionably its inspiration. To the people was left the settlement of all matters of a local character, the proprietors reserving to themselves merely the shadow of government.

At the outset it was provided that the proprietors, freeholders, and inhabitants, assembling yearly upon the 25th day of March,—the new year according to the then prevailing form of reckon-

ing time under the Julian calendar, and still observed in West Jersey as the date upon which tenants' farm leases expire,—should elect “ of and amongst themselves Ten honest and able Men ” for the office of commissioners. On and after the 25th of March, 1680, the elections were to be held in “ some Publick place,” each ten of the hundred proprietors selecting a commissioner. To avoid noise and confusion the elections were to be conducted by “ ballating Trunks.” General Assemblies were to be elected in like manner, the elections to be held upon the 1st of October. The Legislature could appoint its own time of meeting and of adjournment to such time and places as it saw fit, and of establishing a quorum. Full liberty of speech was granted the Assembly, with the right of entering and recording protest assured to members, the people being permitted “ to have liberty to come in and hear and be witnesses of the votes and inclinations ” of their representatives.

The organization of the judiciary, the number of courts, their officers, salaries, and determination of breaches of judicial trust were matters entirely within legislative control, the people directly electing their justices and constables. Equal assessment and taxation were also guaranteed, but, above all, absolute religious toleration was assured upon the fundamental assertion of

the Concessions and Agreements that "No Men nor number of Men upon Earth hath Power or Authority to rule over Men's Consciences in religious Matters."

In the various chapters of this remarkable document may be found the elementary principles underlying the "Bill of Rights," which formed so prominent a part of the later Federal and State constitutions. To a "Proprietor, Freeholder, Free-denizon, or Inhabitant of the Province" was guaranteed the privilege of being served with process in suits of a civil nature. The right of trial by jury composed of "Twelve good and lawful Men of his Neighborhood" was assured before any inhabitant of West Jersey should be deprived of "Life, Limb, Liberty, Estate, Property, or any ways hurt in his or their Privileges, Freedoms, or Franchises." Perjury was severely punished, land transfers were to be made a matter of complete record, while in disputes with the natives a jury of six Indians and six settlers was to be chosen. The sentence and its execution in cases of murder and treason were to be left to the General Assembly "to determine as they in the Wisdom of the Lord shall judge meet and expedient." If any person gave, bestowed, or promised to voters for members of the General Assembly "any Meat, Drink, Money, or Money's worth for procurement of their Choice and Consent" the briber

was incapable of ever after being elected a member of that body. These Concessions were directed to be recorded "in a fair table in the Assembly House," to be read at the beginning and dissolving of every session, to be also displayed "in every common hall of justice within this province," and to be read four times a year before the people.

From the date of the Concessions (1676) until the meeting of the first Legislature, November 25, 1681, West Jersey was governed by proprietary commissioners, who were clothed with ample powers of administration. The ship "Kent," with two hundred and thirty passengers, among whom were the commissioners, arrived at Sandy Hook and later entered the Delaware, proceeding slowly northward to the site of Burlington, at which place settlement was made in the autumn of 1677. Governor Andros, in New York, while claiming a tentative supervision over the West Jersey colony, promised aid in securing the acknowledgment of the rights of the colonists.

In 1677 and 1678 new shiploads of emigrants arrived, occupying the "1st" and "2d" "Tenths" between the Rancocas River and the Assanpink Creek—substantially the river front of the old County of Burlington. So intent were the members of the Society upon their immediate affairs

that no attention was paid to John Fenwick and his efforts to colonize Salem.

Unquestionably the most noteworthy event of the period of the commissioners' government was a second grant made by the Duke of York, conveying the soil and government of West Jersey to William Penn, Edward Byllynge, Gawen Lawry, Nicholas Lucas, John Eldridge, of St. Paul's, Shadwell, in the County of Middlesex, tanner, and Edmond Warner, citizen, of London. The date of this grant was August 6, 1680. Eldridge and Warner had by this time become possessed of the Fenwick interest, thus making them parties to the deed. This grant conveyed the free use of all bays, rivers, and waters for navigation, fishing, free trade, or otherwise.

For some time, in spite of the protestations of the New Jersey commissioners, the agents of the Duke of York had endeavored to collect duties upon the Delaware. That his claim to government in West Jersey was partially recognized is shown by a lease executed for Matiniconk Island, near Burlington, from the duke to Robert Stacy, one of the commissioners. In 1679 certain English settlers petitioned for lands near Trenton, "willing to become Tennants to his Highness the Duke of Yourke," while two years previously commissions for the magistrates of West Jersey had been issued from New York, both for the "upper

plantations" at Burlington and the "lower plantations" at Salem. By the grant, however, the Duke of York formally disallowed his pretensions, particularly as the eminent lawyer, Sir William Jones, to whom the matter had been referred, advised that the duke had no right to make demands upon the inhabitants in question.

In the meantime affairs in Carteret's portion of the province, East Jersey, were tending toward a peaceful settlement of the agrarian troubles. By 1675 the Legislature had passed an act providing that all actions brought to recover the price of goods or labor employed in provincial defense, from 1670 to 1673, should be abolished. A free pardon was extended to those taking part in the rebellion, while heavy punishments were directed to be imposed upon those who reviled or upbraided their opponents. It was recommended in the statute that the past "be buried in oblivion." This was followed in 1675 by the prescription of the oath of fidelity to the Lord Proprietor and an oath of allegiance to the King, the subscriber forswearing the temporal power, actual or assumed, of the Church of Rome. Until the establishment of the West Jersey Legislature the East Jersey Assembly met at various times in Elizabethtown, New Piscataqua, and Middletown. The sessions of the body were mainly devoted to

the passing of laws relative to the social and economic conditions of the whole province.

The struggle of the Duke of York for power in America and the forceful attitude of East Jersey were the immediate causes of a political struggle between Governor Andros and Governor Carteret. Filled with zeal for his ducal master, Andros upon the 13th of March, 1679-80, addressed a proclamation commanding Philip Carteret and his "pretended" provincial officials to forbear assuming or exercising any jurisdiction in East Jersey. To this Carteret at once replied that he and the country were prepared to defend themselves, "which if any Blood be shed, it will be contrary to our desires, and the just and righteous God require it at your Hands, who are the Causes thereof."

Upon the 7th of April Governor Andros with his council appeared in Elizabethtown, where, after the exchange of formal compliments, many of the respective adherents being armed, both sides presented their claims to jurisdiction. Upon the 1st of May Governor Andros issued a warrant for Governor Carteret's arrest, which was executed by an armed posse of soldiers, who took the chief executive of East Jersey to New York, where he was imprisoned until May 27. Charged with persistently, riotously, and routously endeavoring to maintain the exercise of jurisdiction within

the bounds of the Duke of York's grant, Carteret maintained his right in refusing to submit to arrest or to surrender his government without the King's command, and protested against the jurisdiction of a court where the accuser and prisoner was also his judge. The jury refused to convict, after several reconsiderations, and Carteret returned to New Jersey under pledge not to exercise his jurisdiction until the whole matter had been submitted to the King.

The early days of the month of June were spent by Governor Andros in consultation with the New Jersey Assembly, delegates being present from Newark, Elizabethtown, Bergen, Middletown, Shrewsbury, Piscataway, and Woodbridge. The assemblymen were civil but firm, and in a manner bowed to the will of the governor of New York, submitting to him the laws in force, with an expression of hopefulness that the beneficial terms of the fundamental law of the province would not be altered. It was further claimed that no confirmation was required as to previous acts, because such were done under lawful authority. After some further show of right, the case of Governor Carteret having been kept in suspense in England, the Duke of York released to Sir George Carteret, grandson and heir of the original proprietor, all of the duke's claim or title to East Jersey. A letter from the Duke of York further

denied that he had given Andros any authority over the Carteret province, whereupon Governor Andros departed for England. For a year there followed discussion and bitterness between Governor Carteret and Anthony Brockholst, acting governor of New York in the place and stead of Governor Andros.

Acting under the direction of Lady Elizabeth Carteret, widow and executrix of Sir George Carteret, who had died in 1680, Governor Carteret, on July 22, 1681, laid claim to Staten Island as within the jurisdiction of New Jersey, and demanded possession thereof from the governor of New York. He also issued a proclamation to the inhabitants of Staten Island directing them to forbear yielding obedience to the government of Brockholst. Each governor in turn then denied the authority of the other. From this quarrel Philip Carteret turned to his Assembly, which convened at Elizabeth in October. A bitter contest ensued, some idea of which may be gained from this message sent to the governor and the council by the house:

It is the Opinion of this House that wee are now about ours and the Countreys businesse. everything is beautifull in his season. this house expects those Acts already before you should be passed and returned back to this house.

To this the governor and council made reply:

True wisdome would teach you better manners than to Stile

Yourselves the Generall Assembly. Doubtlesse there was no want of Ignorance and Disloyalty where this Bratt had its educac'on inso-much as that the generall assembly consists of the Governor Councell and Deputies, ergo, the Deputies no generall assembly. It was Lucifer's Pride that putt him upon settling himselfe where God never intended to sett him and his Presumption produced or was forerunner of his fall. . . . Everything being beautifull in its season and soe we bid you farewell.

Thus was dissolved the last Assembly under the administration of Governor Carteret.

The death of Sir George Carteret threw upon Lady Elizabeth Carteret the administration of the province of East Jersey. The proprietors' interest, however, under his will was devised to eight trustees, acting for the benefit of his creditors, who attempted a sale of the province either privately or publicly. The extension of the plan to establish a wider American influence for the Society of Friends led William Penn and eleven associates to purchase East Jersey for £3,400, the indenture being dated February 1, 1681-82. The grantors were Lady Carteret and eight trustees.

The twelve grantees, most of whom were of Quaker yeoman stock, were William Penn, of Warminghurst, Sussex; Robert West, of Middle Temple, London; Thomas Rudyard, of London; Samuel Groome, of Stepney Parish, Middlesex, mariner; Thomas Hart, of Enfield, Middlesex, merchant; Richard Mew, of Stepney Parish, merchant; Thomas Wilcox, of London, goldsmith;

Ambrose Rigg, of Catton Place, Surrey; John Heywood, of London, skinner; Hugh Hartshorn, of London, skinner; Clement Plumstead, of London, draper; and Thomas Cooper, of London, merchant tailor.

On the 1st of June, 1682, the twelve proprietors executed a deed to prevent the benefit of survivorship, while early in March of the same year William Penn purchased all of Major John Fenwick's claims to any right, title, and interest in West Jersey. A secretary and receiver-general of the province were selected, while Robert Barclay of the proprietors was commissioned governor for life. The twelve proprietors immediately associated with themselves twelve others, creating twenty-four shares. Thomas Wilcox disposed of his entire interest.

The new associates were James, Earl of Perth; John Drummond, of Lundy; Robert Barclay, of Urie; David Barclay, Jr., of Urie; Robert Gordon, of Cluny; Arent Sonmans, of Wallingford, all of the Kingdom of Scotland; Gawen Lawry, of London, merchant; Edward Byllynge, of Westminster; James Braine, of London, merchant; William Gibson, of London, haberdasher; Thomas Barker, of London, merchant; and Robert Turner and Thomas Warne, of Dublin, merchants. To these twenty-four proprietors the Duke of York, upon the 14th of March, 1682-83, confirmed the sale of

the province by a grant of the most explicit terms, while upon the 23d of November, 1683, King Charles II formally recognized the proprietors' right to soil and government.

The interest reawakened in the British Isles over the New Jersey project was highly stimulated by the diverse interests of the men composing the board. There were members of the Society of Friends, Dissenters, and Papists, "a strange comingling of religious professions and characters," a small but highly influential Scotch minority exercising potential influence in the upbuilding of East Jersey, particularly in Monmouth County.

Although Governor Barclay did not come to America, he sent in his place Thomas Rudyard, a lawyer of prominence, who, arriving in the province in November, 1682, assembled his council and in March, 1683, met his Assembly. Owing to differences with the proprietors as to the laying out of land he gave place to Gawen Lawry, who brought to East Jersey the "Fundamental Constitutions" adopted by the proprietors in 1683. The "Fundamental Concessions" were far from being a model frame of government, although they met with much approval from the proprietary board. The administration of public affairs was to be vested in the twenty-four proprietors or their proxies, with one hundred and forty-four representatives of the people. An elector

was required to hold fifty acres of ground, of which ten should be cultivated, or, if living in "Boroughs," a house and three acres, or, if he hired his house and land, to have fifty pounds in stock. Names of candidates were to be written on parchment, and fifty drawn from a box "by a Boy under Ten years of Age," further selection being made by lot. Persons guilty of sexual immorality, and drunkenness, or one "who is Insolvent or a Fool" were ineligible for nomination.

Of the great council four committees were designed to be chosen: on "Publick Policy and to look to Manners, Education, and Arts," on "Trade and Management of the publick Treasury," on "Plantations and regulating of all Things, as well as deciding all Controversies relating to them," and on "the Preservation of the Publick Peace." The latter committee was designed, undoubtedly, to meet the situation of many of the proprietors and some of the settlers, who "for conscience sake" were debarred from bearing arms, a large proportion of these being members of the Society of Friends. Various provisions were made for the police affairs of the province, as well as for the adjustment of proprietary interests, while religious liberty was allowed. All officers were required to "profess Faith in *Christ-Jesus*," but liberty was not to permit such license as atheism, cursing,

murder, "or indulging themselves in Stage Plays, Masks, Revells, or such like abuses."

But the "Fundamental Constitutions" were limited in their operation to those who would submit to a resurvey and approval of their several grants, arrange for the payment of quit-rents, and agree to pass an act for the permanent support of the government. All others were to be ruled by the "Concessions," a dual form of government, the futility of which Governor Lawry recognized, and, discreetly restraining the publication of the "Fundamental Constitutions," the remarkable production became a mere documentary curiosity. Lawry under his "Instructions" performed two duties of far greater service to the province: by winning the good will of the Indians and cultivating the friendship of Governor Dongan, of New York. Nor was the governor less solicitous concerning the establishment of Perth Town, so-called in honor of the Earl of Perth, at Amboy Point. Already a few of the twenty-four houses of the proprietors were in course of erection while he directed that the seat of government be removed there at once.

The subdivision of proprietary rights and the arrival in America of those having landed interests led to the creation of the East Jersey "Board of Proprietors" upon August 1, 1684. To this board, acting for all the proprietors, was granted

the power of approving the acts of the Assembly, adjusting quit-rent disputes between early settlers and the proprietors, advancing the interests of the town of Perth, clearing Indian titles, to "sett out Land upon rent," defining the East and West Jersey boundary line, and securing funds to pay certain current debts.

The beginnings of West Jersey, following the session of the first Legislature in 1681, were marred by but few disturbances, the most noteworthy being between West Jersey and the new Pennsylvania government concerning the ownership of islands in the Delaware River. Burlington was made the capital of the province, with courts there established and at Salem. Deputy Governor Samuel Jenings, representing Edward Byllynge, the proprietary governor, arrived in September, 1681, and with his council and Assembly formed the General Assembly of West Jersey. The old question of title and government having been presented to the Assembly in May, 1683, it was decided that both were purchased by William Penn and his associates, whereupon the Assembly, fearing that Byllynge might remove his deputy governor, elected Jenings to that position, renewing the assertion of popular rights. To confirm his election and consult with Byllynge Governor Jenings and associates were sent to England, while Thomas Ollive, speaker of the first House of As-

sembly, was temporarily chosen as deputy governor. In accordance with the methods of arbitration employed by the Society of Friends the Byllynge-Jenings dispute was submitted to the "judgment and determination" of George Fox and other Friends of great influence. The award of October, 1684, by eight of the fourteen referees, was to the effect that Byllynge was governor, and that no authority existed for the General Assembly to choose a chief executive.

Charles II, King of England, died in the month of May, 1685, his successor to the throne being his brother James, Duke of York, under the title of James II. From the first it had been the purpose of James II to concentrate his power in America, to eliminate as far as possible popular government, and to make the colonies absolute dependencies. While this policy had been hastened by the revocation by Charles II of the Massachusetts charter, it had for the time been retarded by the risings in Scotland and the rebellion in Monmouth, England. Instituting quo warranto proceedings in the English courts to cancel the charters of East Jersey, West Jersey, Delaware, Connecticut, and Rhode Island, he assigned to Sir Edmund Andros the difficult duty of uniting these colonies and establishing a centralized government. A vice-regalty was to be established in America, and upon the 11th of August, 1688, in

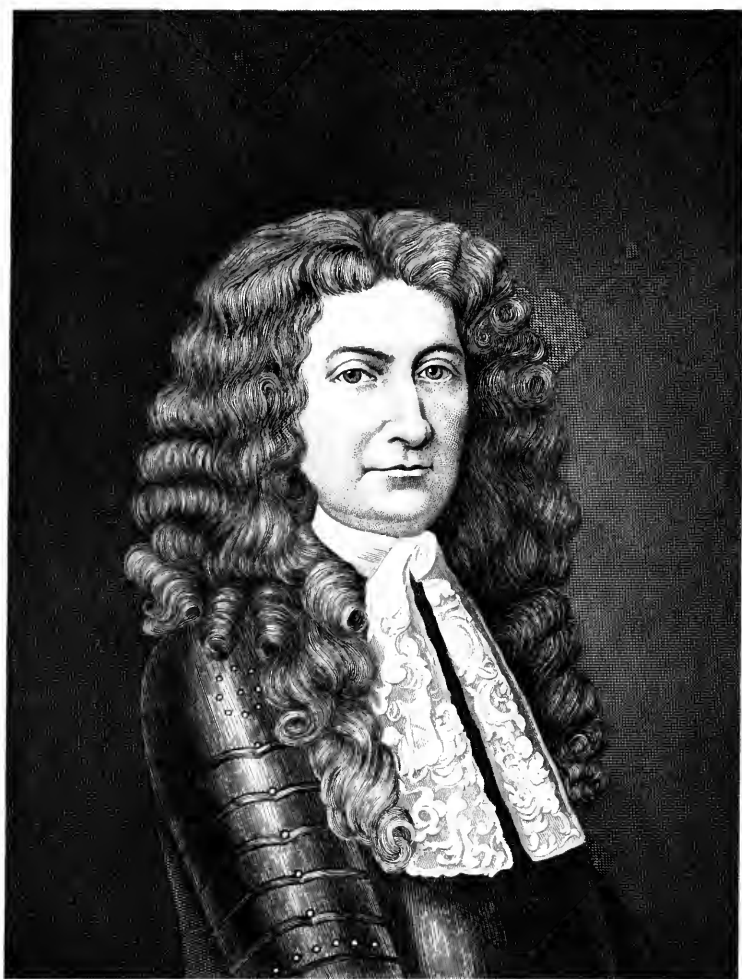
New York, Andros entered upon his task, as boldly conceived as it was hopelessly unsuccessful.

The contention of New York in urging the annexation of East Jersey was the refusal of the province to pay customs duties, that merchants were attracted thither by good land and Indian trade, that privateers found safe anchorage and good market within Sandy Hook, and that, unless under the government of New York, both provinces would be unprotected in case of war. The East Jersey proprietors, in June, 1687, replied that their land had been purchased from Sir George Carteret and from the Indians, and that the duties levied in New York were based upon the acts of the Legislature of that province, in which body East Jersey was not represented and consequently not bound. In conclusion the proprietors, to avoid further difficulties, prayed to be annexed to West Jersey, that the King select a governor from among the proprietors, and that an officer be appointed in the province to collect customs.

The conflicting proprietary interests, and the persistence of King James II in attempting to annex the Jerseys to New York, led the proprietors of both provinces in April, 1688, to offer a surrender of their rights of government with the view of obtaining from the King a reconfirmation of the soil. The two

provinces were annexed to New York, and a new commission was issued to Governor Andros, who proclaimed his government in Burlington and Perth Amboy. But his official tenure was as limited as it was nominal. Following the short administration of Lord Neill Campbell, Andrew Hamilton, agent of the proprietors and a merchant of London, was commissioned deputy governor, his commission being confirmed by Governor Barclay in August, 1687. Between Hamilton and the New York authorities there was friction, growing out of religious dissension as well as political and territorial quarrels. The abrogation of the test oath in America, proclaimed by Governor Andros, created a vast stir among the Scotch Calvinists, New England Congregationalists, and French Huguenots, particularly in East Jersey. The liberty of conscience meant advancement of Roman Catholics; that in turn meant collusion with the French in Canada, and finally the destruction of England's power in America—a non sequitur as common in colonial as in modern political argument. Suddenly William of Orange appeared in Devon at the head of his secretly arranged expedition, and under Whig inspiration, King James II having fled, championed the cause of English liberty and became King William III.

During the short administration of Governor Andros, or until he was driven from New York,



Amoy

Governor Hamilton was in frequent consultation with the New York authorities. The conferences ending in doubt, Governor Hamilton repaired to England, but on the high seas was captured by the French. From this period until 1692 East Jersey was governed largely by her local officers.

After 1685 the political history of West Jersey was uneventful, a new deputy governor, John Skene, exercising his authority according to popular will. Byllynge dying in 1687, his interests became vested by his heirs in Dr. Daniel Coxe, court physician and a large proprietor. Assuming the title to land and power to govern in West Jersey, Dr. Coxe, upon March 4, 1691, transferred to the West Jersey Society—a land purchasing corporation—all his rights to his American lands. This included a vast acreage in East Jersey, West Jersey, two hundred thousand acres in Minnisink, Merrimack lands in New Hampshire, and ten thousand acres in Pennsylvania, the deed also mentioning a “pottery house” in Burlington, town lots in Perth Amboy, Gloucester, and Egg Harbor, and lands in Cape May and Maurice River. He also conveyed to the West Jersey Society the right of government, which effectually settled, in name at least, the long contest concerning the matter. In 1692 the society made an agreement to further the interests of its project in colonization and fostering trade, although little was done, and

the subsequent surrender of the provinces to the crown put a quietus upon all future efforts. In 1688 the Council of Proprietors of West Jersey, similar to the board in East Jersey, was finally organized.

Owing to uncertain descriptions, faulty surveying, and conflicting claims the disputed boundary lines between East Jersey and New York and East Jersey and West Jersey received official attention. In 1686 a council was held to determine the East Jersey-New York line, but no settlement was reached beyond locating the terminal points on the Hudson and Delaware. The question was not settled for a century. The East and West Jersey governments agreed in 1686 to submit their line to arbitration, after a failure of George Keith, surveyor of East Jersey, to locate the line according to the quintipartite deed of 1676. Keith ran the line from Egg Harbor to the Raritan, when the loud protests of West Jersey, claiming that East Jersey received too much land, caused him to desist. Later consultations were held on the matter, until in 1718 an act was passed by the Legislature establishing the line.

In the settlement of the Jerseys tracts and monographs played an important part in inducing emigration. Of these, relating distinctively to East and West Jersey, the first and one of the rarest—for they are all rare in the originals—is a

single folio leaf issued by John Fenwick in 1675. In 1682 the East Jersey proprietors published a small quarto of eight pages, and in 1683 the Scotch proprietors printed a quarto of double the size, each giving a similar description of East Jersey. These are known as the "Brief Accounts," from the introductory words of their title pages. In 1684 appeared "The Planters' Speech," addressed to friends in East Jersey, West Jersey, and Pennsylvania, which was more of a moral dissertation than a description of the provinces. The author is unknown. In rapid succession followed George Scot's "Model of the Government of the Province of East New Jersey in America" and Thomas Budd's "Good Order Established in Pennsylvania and New Jersey in America," both of which were printed in 1685. As descriptions of the economic conditions of the provinces the "Model" and "Good Order" are of the highest value. In 1698 there was published Gabriel Thomas's entertaining "An Historical Description of the Province and Country of West New Jersey in America," while in 1699 two pamphlets dealing with the Byllynge-Jenings controversy were printed in Philadelphia. From time to time letters from the settlers and documents dealing with the Fenwick controversy were issued in London.

It was not until the eighteenth century that

the most valuable works relating to East and West Jersey came from the press. In 1747 the so-called Elizabethtown "Bill in Chancery," prepared by the famous James Alexander, was published. This was the suit instituted by the East Jersey proprietors against the Nicolls claimants, known as the "Clinker Lot Right Men." The title page of the "Bill" justly says: "These Papers will give a better Light into the History and Constitution of New Jersey than any Thing hitherto published." An "Answer" prepared by William Livingston, afterward the Revolutionary War governor of New Jersey, and William Smith, afterward chief justice of Canada, published in 1752, gives "a Great Deal of the Controversy, Though Much Less of the History and Constitution of New Jersey than the said Bill." The matter was never finally determined.

During the progress of the French and Indian War the various "original constitutions," acts of Assembly under proprietary Legislatures, and many state papers were printed under the direction of a legislative committee. The work was issued in 1758, and is known as the "Grants and Concessions," the compilation being ascribed to Aaron Leaming and Jacob Spicer, of Cape May, who were members of the committee. As a reference book the "Grants and Concessions" is only exceeded in value by Samuel Smith's "History of

the Colony of Nova Casarea or New Jersey," giving a particular account of the settlement of the Jerseys from the beginning until 1721. Smith's history was published in 1765.

TO THE province of East Jersey the settlers brought a strong spirit of political and religious independence. Whether they came from Massachusetts, the Connecticut Valley, from the "shore" communities of Long Island, or from the Calvinistic centers of England and Scotland, they were filled with that mighty purpose to create in the new land a government where political righteousness should guide the course of the State. In this effort, as in all attempts to establish a community upon the teachings of a given creed, there was a tendency toward political dogmatism. In nearly all the East Jersey towns political preferment was based upon strict adherence to the teachings of a particular religious society, while the settlers of Newark went so far as to provide that only those who were members of a Congregational church should be allowed to hold office and vote.

While this restrictive action may be subjected to criticism, it was quite in accord with the spirit of the age. Most of the influential men of East Jersey had experienced the wave of religious enthusiasm which had swept over England and Scotland, upon the coming of Cromwell, and which flooded New England with high resolve and concomitant austerity. It had been a time of religious controversy, and of the establish-

ment of new forms of religious belief. Nor was the spirit less noticeable in West Jersey, where the Society of Friends did not outwardly declare the union of church and State, but where the power of the meeting to make the careers of men was equally potent.

The English speaking colonists of East Jersey, in the main, were of yeoman stock. Various motives underlay the action of the settlers. The return of the House of Stuart to power, with the reestablishment of a dissolute court and the general popular reaction from the social, political, and ecclesiastical severities of the Cromwellian movement, gave to the majority of the new comers sufficient excuse for leaving England. Others from New England hoped to find in East Jersey a land more hospitable, where the power of the church might be further extended. Some were moved by an evangelical spirit, wishing to convert the Indian and to establish their faith in a land beyond the sea; others dimly saw that there might grow up powerful dependencies of the crown in which a certain religious faith would be dominant, while a small number were moved by a restlessness, and gave religious persecutions as an excuse for a life of adventure and, mayhap, of profit.

But over all and under all ran the spirit of theocracy, which entered into the daily acts of the

entire body of emigration. The rigidity of the local laws, the strictness of church discipline, the slowness of assimilation with the Dutch, who, in creed, were with them but not of them, the intense striving for a theocratic commonwealth, gave a harshness to life, but it likewise gave a stability to East Jersey that has been permanent throughout all the modifications of government and the later injection of cosmopolitan social elements.

But one instance need be cited to show the distinctively Calvinistic type of early East Jersey life. It is in the matter of personal nomenclature. To East Jersey the settlers from New and Old England brought Christian names indicative of a Puritan and in some cases Quaker ancestry. Among ancient deeds and wills are to be found some curiosities of "given names" which descendants have carried down to distant generations. Thus in the family of Lippincotts, of Shrewsbury, in 1683, were living Freedom, Remembrance, and Restore. Jedediah Allen, who lived near by, in Neversink, had among his children Experience, Ephraim, Judah, and Patience, while in 1688, in that portion of Monmouth County, resided Exercis, probably a corrupt spelling of Exercise, and Elisone Coale, daughters of Jacob. Among the names of women appear Sybiah Dennis, Faith Hewitt, in 1691, and Safty (Safety) Grover, the latter a daughter of James,

of Middletown. In 1697 there was Hope Bloomfield, of Woodbridge; in 1701, Eupham, wife of John Johnston, of Monmouth County, and Bethiah Kitchell, daughter of William, whose home, in 1683, was in Newark. In 1694 Hephziabiah Manin, of Piscataway, was the widow of one of the plantation owners, and in 1697 Tidey buried her husband, George Warren, of Elizabethtown. Comfort was the wife of Samuel Marsh, of Rahway, while Deliverance is mentioned as a daughter of John Throgmorton, of Middletown.

Among the children of Thomas Thomson, of Elizabeth, in 1675, were Aaron, Moses, and Hur. In 1669 Hopewell Hull was a settler in Woodbridge; Dishturner Ward appears in Newark in 1696; and in 1694 Barefoot Brynson is alluded to as a son of Daniel. In 1682, or shortly thereafter, occurred the marriage of Nidemiah Sanford, daughter of William, to Richard Berry, son of John Berry. The respective fathers presented to the young couple as wedding gifts several slaves. John Berry had, among other children, Peregrine and Grace.

An examination of Christian names throughout this period shows the strong influence of Biblical nomenclature. Aside from these somewhat eccentric designations appear a host of names still common. Except in a few cases, those of distinct-

ively Norman-French origin, and not found in the Old and New Testaments, are extremely rare.

Toward the close of the seventeenth century there came into East Jersey, and to a limited degree in West Jersey, particularly in Salem, a new and valuable racial element. This was the French Huguenot, who, bringing to the eastern division the faith of Calvin, found, at least, a community of religious interest among the English and Scotch.

The Revocation of the Edict of Nantes by Louis XIV, in 1685, drove from France no less than half a million Protestants, who, under the name of Huguenots, sought in other lands that freedom of conscience denied them in their own country. So bitter was the persecution that by 1705, it is said, there was not an organized Huguenot congregation in all France.

To these people, many of whom were of the ancient nobility and nearly all of eminent respectability, the English colonies in America opened an avenue of escape from the rigors of the governmental inquiry and persecution. To nearly every seaport between Nova Scotia and Florida they came, many selecting New York and some Philadelphia as their new homes. From these centers the movements of population carried certain of these French families to New Jersey. By 1686, and even earlier, Huguenot family names appear

in the towns of the Monmouth shore. With their coming a new element appeared in the provinces—an element which was so distinctively Romance as to make its presence among settlers of Germanic stock as picturesque as it was valuable.

With but few exceptions the Huguenot had no political ambitions, or at least had not in the early years of the eighteenth century. He spoke not the language of his new home. Around him lay restraints in his advancement in the political state, which a new generation did not overcome. Yet the Huguenot social and moral influence was early patent and has remained a power until the present day.

To New Jersey came Antoine Pintard, Peter Bard, Pierre le Conte, Joseph Ray, Ives Ballinger, Elias Boudinot, and Hyppolite le Fever, names with which one could conjure in either East or West Jersey. There, too, were the De la Fontaines, the Stelles, Monsieur Hance, Jaques la Rue, the De Cous, John de la Valle, and the Demarests, some of whom, forgotten, some remembered, have impressed themselves and their families upon the history of New Jersey.

Too few in number, too weak to sustain racial customs or language, the children of the original emigrants contracted marriages among those not of distinctively French ancestry. In a few instances the Huguenot blood remained unmixed

until the Revolution, yet in the general breaking down of social lines following the war even this characteristic became lost. No trace of any French words which may have been contributed to the English language, as used in New Jersey, remains.

The influence of the Huguenots in New Jersey is subjective rather than objective. They stimulated the growth of the Protestant, particularly the Presbyterian churches in East Jersey, most of the Huguenots in West Jersey attaching themselves to Saint Mary's at Burlington or joining the Society of Friends. As large landowners, possessed of personal estate embracing objects of value, with artistic taste, they brought new refinements to America, and gave to their children a love for the beautiful—a sentiment in which the English were often lacking, by reason of environment, or which, if present, was suppressed on account of the severity of religious discipline. But standing clear and distinct against the early colonial horizon, the Huguenot star shines brightly, but under the later glow of the sun of English influence it merges into the greater glory. Yet the star dimmed remains in its courses, even while the sun stands in meridian.

THE close of the seventeenth century in England was marked, in one respect, by a widespread interest concerning colonial affairs. The age of fable touching the mother country's transatlantic possessions, when effort was made to find the palm-crowned isles of the Indies at the headwaters of the Hudson, Delaware, Susquehanna, and James Rivers, or to seek for gold in Virginia or silver in Massachusetts, had given place to a period when sober, common sense was asserting itself. Peace reigned in England, and rural and municipal industries were thriving to the degree that the problem of congestion of population in great centers was a factor in social life.

Charles II as prodigal with his favors of land grants to his adherents as he was of money to the beauties of his court, had already granted New Jersey to Carteret and Berkeley, as well as Pennsylvania to William Penn. Having thus discharged his debts, he left to the proprietors the burden of peopling their domains, and of providing fit and proper governments for their lands oversea. To accomplish these ends the owners of New Jersey and Pennsylvania were most active. Although Carteret and Berkeley's interests became lodged in proprietary boards, and Penn's estate was managed by agents, the British Isles, and indeed most of Eastern Europe, rang with the

advantages of Pennsylvania and the Jerseys as a place where man could find health and liberty and the enjoyment of perfect happiness. Pamphlets, tracts, circulars, broadsides, and volumes of merit spread the gospel of colonization.

But it was West Jersey that offered to the prospective settler the rarest advantages. The Delaware, open to the sea, and suitable for the largest ships and the upbuilding of trade, received many tributary streams, sluggish and shallow, whose banks were loamy and fertile. Undeniably was it true that the low and easily tilled plains which swept eastward and southward from the Delaware, the short winters and long, hot summers, and the supply of timber made life less rigorous along the Delaware than it was on the banks of the rivers emptying into New York Bay. To the southward were the tidal meadows covered with sea fowl, in the forests game in such abundance that no man need starve. To the settler were such alluring prospects held out, coupled with the assurance of a stable, democratic form of government.

The towns upon the Delaware and its streams sprang into being under the advent of a body of settlers whose customs, modes of life, and desires were directed toward a common object. The Quaker brought to West Jersey a steadfast purpose, a hope, maybe a dream, that the new colony

would be a model for the world, but, in a land of plenty and under the influence of an equitable climate, a natural tendency asserted itself. As compared with East Jersey, the unconscious but constant tendency was to develop along the lines of least natural resistance, to use what was present rather than create for the future, and to drift into a state of existence of which the motto was *laissez faire*.

The most characteristic feature of the economic development of West Jersey was the establishment of a land-owning class. Whether or not this was designed will probably never be known, but certain it is that those who had money or ready credit invested heavily, as the records show, in real estate. As the ownership of land was, at the time, an indication of wealth, the men of the largest acreages were given a prominence which naturally brought with it the best and most profitable relationships in the commercial, political, and religious life of the period. The result was the formation of a plantation-owning aristocracy, which was perpetuated by a certain religious tenet.

It was the rule of the Society of Friends to "marry in meeting"; that is the union of a Quaker and a Presbyterian or Episcopalian was not only discountenanced, but was absolutely forbidden, to the degree of religious and social ostracism. Thus

it was that a wealthy member of the Society, having a daughter, sought to unite her in marriage to some worthy young man of another land-owning family, and join the two estates. The result was that thousands of acres came into the possession of comparatively few families. There grew up a social condition not unlike that of tidewater Virginia and Maryland, differing, however, in the fact that amusements, diversions, and laxities permitted in the South were absolutely prohibited in West Jersey. But in so far that the men became wealthy farmers, and owners of saw and grist mills, content to secure the luxuries of life from city merchants, and to use up at home the products of their farms, the similarity between West Jersey and Virginia or Maryland is perfect.

Not only were the two Jerseys different in natural advantages, but in the political and religious concepts of the settlers, although the dominant spirit was English, there was marked variation. In East Jersey the small towns became stirring entities, with an intense individuality. In West Jersey the county capitals were surrounded by small satellites. The rigors of stern New England justice spread terror among offenders of Newark, Amboy, and Shrewsbury. In Burlington and Salem no public execution, so far as is known, ever took place. In the one colony the Calvinistic ministers echoed the thunders from Sinai; the other

repeated again and again the Sermon on the Mount. While the Calvinists cried aloud that there should be some who would forever endure torment, cursed by original sin, the Quakers bent in silent prayer, in the belief that no one who repented would be lost. One kept the sacred ordinances; the other threw them all aside. The Calvinist too often preached the doctrine of *lex talionis*, the Quaker the doctrine of non-resistance. One had its paid ministry, with glebe and a highly developed organization of its congregations; the other had its "accepted ministers," who received no pay, and with the elders governed the Society. Among the Calvinists there was a democratic sentiment, naturally engendered by the virility of the faith; among the Quakers a constant bent toward conservatism, which ultimately served to weaken the Society, but which was its earliest and greatest source of strength.

But the religion of neither the Calvinist nor the Quaker was an outward garb. With all the fanaticism and uplifting of a dogma there was an intensity and earnestness about both that made their denominational fervor something more than a convenience and a mere outward show. At least, Calvinist and Quaker had one object in common, the stamping upon the individual the full force of their religious teaching. This applied equally to his domestic or to his political affairs, in which

latter phase both faiths tended to strengthen the doctrine that the hope of a nation lies in the establishment and perpetuation of a Christian state.

UPON land which, according to the economic dictum of the time, was mainly, if not entirely, the source of material wealth, the settler of New Jersey based his hopes of personal advancement and the ultimate progress of the colony. Thus from the farm sprang the activities of the provinces, while toward the fostering of agriculture economic legislation, to a limited degree, was directed.

The farmer early became the dominant figure in the provinces. Even the town merchants, the coastwise traders, or those who made bold but limited efforts to transport goods and passengers between Philadelphia and New York were farm owners or were directly interested in the success of crops. Everyone had a knowledge, more or less intimate, of agricultural life, while even in such towns as Salem, Burlington, Newark, Elizabeth-town, and Perth Amboy markets were established by law, and the daughters of the aristocracy were skilled, if not in farming, at least in a knowledge of the products of the fields and the current prices for produce.

But from the beginning a difference between the farms of East and West Jersey is noticeable. In the eastern division the holdings were smaller, except probably among the Dutch, the land being more intensely cultivated. This was due some-

what to the nature of the soil, and the fact that a commercial spirit was more prevalent than in West Jersey. In the western division the settlers took up large tracts, and through the consolidation of estates, owing to intermarriages of members of the Society of Friends and a general observance of the rule of primogeniture, acre was laid to acre, until West Jersey passed under the control of comparatively few families. Consequently the growth of a landed aristocracy was a logical conclusion. While many of West Jersey's landed proprietors, by their interests in timber and in trade, were enabled to maintain their estates, others were plunged hopelessly in debt, as the result of improvident and expensive methods of cultivation. This condition became apparent long before the outbreak of the Revolutionary War, and caused young men in such families to "clear" less desirable but cheaper land in the "Pines," or to engage in business in Philadelphia.

But either in East or West Jersey life upon the colonial plantation presented hardships of which the modern farmer has no realization. In West Jersey, along the sea shore, the houses were built entirely of wood. Along the shores of Delaware Bay and River the homes were frequently of brick, most of which were made in America, some, however, being imported from England in ship ballast. In the region of the Dutch settlements, in fact generally throughout East Jersey, beyond the

limits of tidewater, stone was used in house construction, although brick was sometimes employed. But in all cases the houses were without conveniences. Open fires, with wood for fuel, roared up vast chimneys, but little heat being reflected into the room. As a consequence the average temperature in homes was colder, but the air was purer, than to-day. In the kitchen the cook stove, the range, or a sanitary system of plumbing were unknown. Boiling, frying, and stewing were done over or in front of the yawning fireplace.

In the summer time the kitchen heat was intense, particularly as the doors and windows of rooms were small. To add to the discomfort flies and other winged insects had free passage to rooms, as screens were not used. At night tallow dip and wax candles supplied illumination in the homes of the better class, while among the poor pine-knots served as agencies of artificial light.

Nor were the remaining portions of the house, no matter how attractively described in the letters and newspaper advertisements of the time, attractive in the modern sense. But few homes in all New Jersey could boast carpets, and fewer still had wall paper or curtains. In all New Jersey there was probably not a bathtub. In most of the farm houses one room, the "best" or parlor, was set aside in stately gloom as a domestic holy of holies, to be opened upon occasion of funerals,

weddings, and the arrival of notable guests. The remaining portions of the house were generally used, domestic duties being performed by "redemptioners," slaves, or apprentices, under the direction of the mistress or her daughters.

The education of women was distinctively of a domestic character. Rare indeed was the young woman of the period who had ever seen a novel; had heard music other than the wail of the violin at a dance or the high pitched nasal twang of the itinerant teacher of singing; or had seen the belles of Philadelphia upon Second Street or the beaux of New York upon lower Broadway.

The life upon the farm, as seen from the modern view point, was little more than mere existence. For men and women, alike, hours of activity were regulated largely by the "forwardness" of the crops, the longest working hours being during the time of planting Indian corn, in May, and the harvesting of grain in June and July. Winter brought relief from hard work, but the practice of early rising was observed by many throughout the year. Benjamin Franklin later collected the aphorisms of the farm within the pages of Poor Richard's Almanac, a book but little less revered than the Bible, but among all the sayings none had wider credit than

Early to bed and early to rise,
Makes a man healthy, wealthy, and wise.

Among the most cultivated the standard of living had by no means reached the point of modern refinement. Throughout both East and West Jersey the food for every one, masters and servants alike, was coarse and limited in variety. Many of the vegetables and fruits were either not raised or only found upon the tables of the rich. Salted meats, fish, and meats,—particularly pork,—with fresh deer or bear, plenty of rye bread and milk, beans, potatoes, turnips, carrots, and cabbage were the staple articles of diet. Butter was rare. As a luxury some few families preserved apples and peaches in stone jugs, otherwise fruits and vegetables were enjoyed only “in season.” Rum, gin, small beer, metheglin, tea, coffee, and chocolate were favorite and in some instances expensive drinks.

Immediately previous to the Revolution one meets a reference to an ice house, but such a luxury was reserved only for the most luxurious. The well, which usually supplied the home with water, which was much less used, outwardly or inwardly, than at present, served as the refrigerator. For the family the plantation supplied all the wood necessary for fuel.

Amid so prosaic surroundings there were some who revolted. Here and there a young girl must needs be disciplined, because she preferred the independency of elderly maidenhood, which came at

twenty-five, rather than marry at sixteen or seventeen and become a matron. In the newspapers of the middle of the eighteenth century an occasional letter from some well meaning plantation owner appeared, wherein a Jersey farmer complains that the young women seek fashion and ease rather than the charms of butter making, weaving, spinning, and cooking. Some even went so far as to be neglectful in preparing with their own hands their linen sheets, woolen blankets, and flowered counterpanes against their marriage—a state of affairs for which the writer was devoutly thankful, because no such lapses occurred in his day.

Then, as now, the young men sought careers in the merchant marine or in the counting houses of the nearby cities. Once more, said the sages of the press, by such a course would the province suffer in a decrease in population and the best blood be drained away from the farms. In view of such facts modern argument along the same lines presents no novelty.

Upon the farms local industries came into existence, dependent, in their character, upon environment. Along the sea coast fish and sea weed were used for fertilizing purposes by the more progressive, while lime was obtained by burning oyster and clam shells. The advantages of marl were known to the earlier settlers, and small pits were

opened in Monmouth and Burlington Counties, although it was not until after the Revolution that marl came into general favor.

Work upon the farm was conducted largely by three classes of laborers. There were the slaves—both negro and Indian,—the redemptioners, and the apprentices. Of these classes the slaves occupied the lowest social status. Although in New Jersey legislation concerning the slaves was less rigorous than in the Southern States, the attitude of the law makers, representing the trend of popular thought, was sufficiently severe to stamp upon the negro and Indian peoples all the characteristics of the peculiar institution.

The early slave districts can be defined by means of wills and newspaper advertisements with some degree of accuracy. Among the Dutch settlements, and throughout the South Jersey plantations, slave owning was more prevalent than among the Calvinistic towns of East Jersey. Members of the Society of Friends, in spite of the uncompromising attitude of John Woolman and the protests of the meetings, continued to own slaves during the colonial period. The impulse to utilize such labor in a region where land was fertile and easily tilled overrode a moral view. It may be said that the members of the Society treated their bondmen with consideration, and

that manumissions, not only during the lifetime of the owner, but by will, were frequent.

The redemptioner was, to a degree, a social anomaly. As indicated by the name, the redemptioner was an immigrant who, seeking a new home on the Western Continent, practically agreed to sell himself or herself before leaving a European port, the actual sale being made to some purchaser upon arrival in America and the money utilized to pay for the immigrant's passage over-sea.

All strata of society were represented among the redemptioners, most of whom, in New Jersey, were Palatinate Germans, Scotch, English, Irish, and Scotch-Irish. Sons of good families, street waifs, soldiers of fortune, young girls fresh from farms, dissolute women from the purlieus of London and the great cities, some in search of a new home, some desiring to reform wayward lives, some seeking adventure, were huddled upon ships and brought to Philadelphia, New York, Salem, Burlington, and Amboy. Once landed, they were offered to the highest bidder, placed on show like cattle, and hurried off to nearby farms, to become assimilated in a population which was yet shifting and heterogeneous. The advertisements of these sales crowd the columns of the newspapers of the day. The boys were "likely" and "willing," the girls "hearty" and used to "country work." Here and there was one who could serve as a school-

master, as a "taylor," or as a shoemaker. Others there were who had trades, and many were "pock-fretten."

Once in the hands of a new master the life of the redemptioner was more distasteful than that of the slave. Some owners recognized that their tenure over the life and liberty of the redemptioner was brief and uncertain, and, moved by selfish impulses, cruelly overworked their bondmen. As a result the redemptioner often performed more degrading labor than the slave, and was treated with greater severity. Under such circumstances escapes were frequent, the advertisements in the newspapers described with great particularity the personal appearance and dress of the fugitive. Rewards, usually proportioned to the length of years the redemptioner had to serve, were offered, and from time to time notices appeared in the public prints advising those interested that redemptioners had been "taken up" and were held in the common jails awaiting proper proofs of ownership.

In the mutations of fortune the positions of master and redemptioner were occasionally reversed. Upon completing his time a redemptioner would obtain possession of land, and, by successful ventures, become a proprietor. His sons would marry the daughters of his former master, and families in the State trace their genealogies to

such alliances. Nor was it uncommon for the redemptioner to secure a position in after life as one of His Majesty's justices, although he seldom aspired to a seat in the House of Assembly or hoped for a place in council.

The indentured servant was sometimes from abroad, but usually from the locality in which his or her master or mistress lived. Bound under agreement to learn a given art, trade, or mystery, the bound boy or girl entered a family, occupied a better position than that of the slave or redemptioner, and, under certain conditions of social life, became one of the family. Among the Society of Friends many of the sons of the wealthy plantation owners were indentured, under an economic phase of the religious teachings of the Society, to the effect that every man should possess and practice a trade or occupation. Thus it was that trained artisans were to be found throughout the Quaker settlements of the western portion of the province. The same rule to a more limited degree was observed in the eastern division.

A map of the early settlements of New Jersey would show that few towns were located beyond the head of tidewater. Those clustering along the banks of the rivers emptying ultimately into New York Bay, those on the northern and eastern shores of old Monmouth, as well as Cape May,

Salem, Newton, Burlington, Bordentown, and Trenton, were identified to a greater or less degree with maritime interests. In every community of colonial importance there were ship carpenters. Vessel building, at first for the whaling and coasting trade and later for West India service, was prosecuted with success in spite of acts of Parliament restraining trade and navigation. An abundance of ship timber, particularly oak and pine, and a population accustomed to the sea—except the Huguenots and the German Palatines,—made the colonial merchant marine of the Jerseys famous along the Atlantic Coast. From Amboy and Salem, the main ports of East and West Jersey, yachts, snows, schooners, and larger craft entered and cleared for every sea-coast town from Boston to Charleston.

Many of the vessels built in the Jerseys were registered in New York or Philadelphia, inasmuch as capital in those cities was largely interested in their construction. Seafaring life, however, in colonial times possessed dangers far beyond those encountered at the present day. The wild coast from Sandy Hook to Cape May was uninhabited save by isolated and often temporary settlements of beach-men. It was not until 1764 that the first lighthouse at Sandy Hook was erected, nor until the middle of the nineteenth century that an organized lifesaving service was established, after

years of agitation on the part of the late Governor William A. Newell, a member of Congress from New Jersey in 1847-49 and governor of the State in 1856-59.

The coasting vessels were ill-equipped and ill-provisioned, but lacked nothing in the fearlessness and the hardihood of their crews. Every captain of standing in his profession was a pilot, had served "before the mast," and had attained position through sheer merit. It was also necessary that he should be skilled in the use of arms, and every coastwise craft, no matter how large or small, was prepared to meet the "free traders," whose cabins contained the flags of all nations, but particularly the sinister banner of piracy.

Of the latter gentry much has been written, the very romance of the subject leading to a strange confusion of fact and fancy. In spite of the efforts of the home government to break up piracy on the American coast, the life itself, and the hope of great reward, led the authorities to wink at "expeditions" of various kinds and to even share in the profits, if some of the earlier writers are worthy of credence. Until well into the eighteenth century pirates lay at the entrance to Delaware Bay and stood outside Sandy Hook. To young men seeking adventure cruising in pirate craft gave opportunities for "seeing the world" and taking part in a contest which was

as much a trial of seamanship as it was an effort to secure ill-gotten gain. It is believed that during these wars of England with Continental powers, for a period of one hundred years previous to the Revolution, letters under the authority of the custom officers of New Jersey were issued under specious devices, but which practically authorized piratical voyages. The spirit of piracy actuated much colonial trading, particularly in the West Indies. Freedom from capture was naturally of greater merit than more ethical considerations. Upon the high seas human life and the rights of property were of less worth than upon land, both because of the difficulty of enforcing admiralty law and the greater freedom of a ship where the crew was often changed and the master's will was the sole source of power.

An industry, now abandoned, but once so actively prosecuted as to be extremely profitable, led to the settlement of the seashore fronts of Cape May, Atlantic, and Ocean Counties. The presence of whales upon the coast of New Jersey caused Long Island and New England whalers to send fishermen to the southward. Settling temporarily, and lastly permanently, near Cape May and Tuckerton, the whalers in their small but stanch boats ranged the coast from Sandy Hook to the eastern shore. That the industry was of importance is shown by the instructions to Gov-

ernor Gawen Lawry, given at London, July 20, 1683, which provide that he should "take particular inspection into the conveniency of fishing * * * especially as to the whale fishing, which we [the Proprietors] desire may be encouraged," * * * lest the fishermen should be drawn elsewhere for want of due encouragement." In West Jersey Chapter IX of the Acts of October, 1693, provided that all persons not resident of the province or Pennsylvania "who shall kill or bring to shore any whale or whales in Delaware Bay, * * * shall pay one full and entire tenth of all the oyl and bone made out of the said whale or whales unto the present Governor of this Province for the time being."

In 1685 the whalers of Cape May, some of whom were French servants in the employ of the Coxe interest, became involved in litigation, which threatened the well being of the little settlement.

Record is made of the appearance of whales in New York and Delaware Bays during the colonial period, and as late as 1830 one of the whaling families on Long Beach was still engaged in a desultory manner in the capture of the whale. With the introduction of mineral oils, and the substitution of steel and celluloid for whalebone, as well as on account of the extermination of the whales, the industry was in time abandoned.



THE transfer of the rights of proprietary government of the Jerseys to the crown was the culmination of a short but effective period of political agitation. Upon the one side the proprietors of both divisions were involved in constant expense and trouble; upon the other the people were restive and clamorous for some permanent form of government in which responsibility was lodged. Action in the matter was first taken by the East Jersey board, which presented to the "Council of Trade and Foreign Plantations" a "Memorial," which was prepared in the latter part of 1698 or the early months of 1699.

The East Jersey proprietors claimed vested title to the soil under the grant from Charles II to James, Duke of York, and subsequent mesne conveyances, with powers of government, which powers they offered to surrender in toto. This action would be taken by them provided the crown would confirm the title to the soil and lands of the province, and the quit-rents reserved upon the grants made or to be made; Perth Amboy made a port of entry and export; free trade with the Indians continued; and a judicial system, with a superior court, separate from New York be established. It was also desired that Perth Amboy should be the place of public record for the colony as well as for the board, that county representation

similar to that of New York in the Assembly be guaranteed, and that the council should contain a proportionate number of East Jerseymen. The proprietors further requested that they might "hold courts for the lands in their propriety-ships," that religious freedom be preserved, that the proprietors retain the right to grant licenses for fairs and markets, and that all lands, goods, and chattels of traitors, felons, deodands, fugitives, persons outlawed and put in exigent, waifs, estrays, treasure trove, mines and minerals, royal mines, wrecks, royal fish that shall be forfeited, found, or taken within East Jersey remain with the proprietors. To this the council made answer practically accepting the fundamental propositions, saving the establishment of Perth Amboy as a port and the equality of New Jersey with New York in Assembly representation.

West Jersey, apparently, took no separate action, except through her proprietors signing with the East Jersey board a united "humble" memorial presented to the Lords Justices of England. This petition is undated, but was probably written about 1699. Between the council and the proprietors a compromise was effected. In consideration of the acceptance of the surrender the proprietors withdrew their claim that Perth Amboy should be made a port of entry, and the discussion of the basis of representation was obviated. A com-

promise grew out of a second "Memorial" signed by both the East and West Jersey boards and presented to the King in August, 1701. The matter being referred to the Board of Trade, the opinion was handed down by that body that as there was no right of government existing in the proprietors it was expedient for the crown to assume the government of the provinces, and to appoint a suitable governor under instruction.

One of the first official acts of Queen Anne, who came to the English throne early in 1702, was the acceptance of the full and unconditional surrender of the right of government by deed of the West Jersey and East Jersey proprietors.

The governmental change, so auspiciously instituted, was threatened with dire disaster through the stupid personality of the appointing power and the weakness and cupidity of the appointee. Queen Anne was but ill advised, and this, combined with her wilfulness, led to the selection of Edward Hyde, Lord Cornbury, whose manifold faults, in charity, may be charged to degeneracy.

Lord Cornbury, bearing his governor's commission, arrived in New Jersey in 1703, and met the colonial Legislature in Perth Amboy in November of that year. In accordance with ancient custom, but unquestionably as a test concerning the governor's policy, its members made four demands to the effect that they with their servants be free

from arrest or molestation during the session, that they have free access to the governor's presence when occasion required, that liberty of speech in debate be allowed, and that the house and council reconcile, through their committees, all differences arising between them. To the last demand the governor refused to comply, although assenting to the rest. Under the rebuke the Assembly smarted, but proceeded with their duties. Cornbury had proved himself inimical to the rights of the people, which position he intensified by attempting to sit in judgment upon the qualifications of three West Jersey members of the house for the purpose of declaring their seats vacant while he had passed certain personal legislation.

The influence of this disturbance went abroad throughout the colony. Popular sentiment against Cornbury was aroused, the opponents of the governor centering around Samuel Jenings, speaker of the house, and Lewis Morris.

After a display of bitterness, occasioned by the governor's appointing a favorite as secretary of the Legislature, the house, in May, 1707, resolved itself into a "grand" committee, resolving to lay their grievances "and the Arbitrary and Corrupt Practices of his Excell^y The lord Cornbury at her Maj'ts Royall feet." To this end a petition to the Queen, a letter to one of Her Majesty's secretaries

of state, and an address to the governor were prepared. In the address the charges against Cornbury show not only his willful disregard for the terms of his instructions, but evince his spirit of political corruption that ever followed this profligate lord. He had, according to the Assembly, foisted upon public office "mean and mercenary men," had failed to attend to his office in New Jersey, had allowed murderers under sentence of death to go at large, had undertaken to establish court fees without legislative consent, and, among other matters, had refused members of the Legislature the right to take their seats. To this the governor made an inconsequent and vaporous reply, pouring out his spleen upon Jenings and Morris, the popular leaders.

No action being taken, the breach grew wider and wider and owing at last to remonstrances from the Assembly of New Jersey Cornbury, in 1708, was removed from his position as governor of New Jersey. A like action was later taken in New York, although in the meantime his creditors had confined him in jail. Cornbury returned to England, where he became third Earl of Clarendon, and died in 1723.

Although with the departure of Cornbury the colony became outwardly quiescent, the evil that the governor did lived after him. In its course, it was far-reaching as affecting the destinies of

the colony. It lay in the power of the first royal governor to correct abuses of the past, strengthen the loyalty of the present, and lay broad plans for the future. But Cornbury had no aspirations beyond the gratification of his selfish lusts. While engaged in attaining his own ends he sacrificed the hopes of an empire and paved the way for a spirit of resistance, first directed toward the governors of the crown and then against the crown itself.

The Assembly first learned its power; the people recognized that no divinity hedged in a governor, although he represented in himself the person of his sovereign. It was but the first unconscious step toward that which even in dreams would have been treason—the independence of the colony.

WITH the acceptance, on April 17, 1702, of the surrender of government, by deed of the proprietors of East Jersey and the proprietors of West Jersey, Queen Anne in her "Instructions," given, on the 16th day of November, 1702, to Governor Cornbury, provided for the government of the colony. These "Instructions," although in no sense organic law, were an unmistakable exposition of the attitude of the crown toward Her Majesty's colony of New Jersey.

As these "Instructions" were repeated, in substance if not in form, for the guidance of succeeding royal governors, and as the frame of government depended upon their observance, their plan and scope, as affecting the executive and legislative departments of the colony, are worthy of examination. The governor's duties under the "Instructions" were to see that all laws be enacted in the name and style "by the Governor, Council, and Assembly," and that the titles of all statutes conform to the subject matter, before being sent to England for approval. Upon the governor was laid the duty of providing for the levying of money or imposing fines and penalties, to raise money necessary for the provision of government and his own salary as well as that of his successors, and to levy customs duties and imposi-

tions on all exports and imports of the province. The governor was also directed to prevent the purchase of Indian lands, as well as to suppress piracy, nor was he to erect any court, not before established, without special order.

Lord Cornbury was further directed to have oversight that no man's life, member, freehold, or goods be taken away or harmed otherwise than by due process of law; that liberty of conscience be allowed to every one "except Papists"; that Quakers be allowed to affirm; and that the Book of Common Prayer be read and the sacraments of the Church of England be properly administered. The liberty of the press was restrained to the extent that no press be set up in the province unless by the governor's order.

For the organization of the council twelve members were provided, to whom the "Supremacy" oath, guaranteeing the succession of the Protestant line, and the "Test" oath, "for preventing dangers which may happen from Popish recusants," were to be administered. These councillors were to be chosen equally between East and West Jersey. The council and governor were to act as a court of errors, under certain specified conditions, appeals lying thence to the Privy Council in England.

The Assembly was directed to be composed of twenty-four representatives, two from Perth Am-

boy, two from Burlington, ten from East Jersey, and ten from West Jersey. A property qualification required that every member of the Assembly should have one thousand acres of an estate in freehold, and every elector have one hundred acres in a similar estate.

Allowing for certain local conditions, the similarity between this frame of government and that of other royal colonies is apparent. The governor represented in his person the might, dominion, majesty, and power of his sovereign. Around him was his council, composed of men favorable to the administration, individuals of influence and wealth. The council and governor selected the justices of the Supreme Court, the judges of the county court, justices of the peace, the sheriffs and certain minor county officers, to whom commissions were issued under the great seal of the colony. The governor was also chancellor, and commander-in-chief of the land and naval forces of the colony.

The elective franchise was granted to but a portion of the people, and was confined to their choice of representatives to sit in the General Assembly. Property qualifications limited the number of voters as well as restrained the list of those who could sit in the lower house. Under such a political atmosphere, with the crown "as the fountain of all justice," and the interests of the colonists

subservient thereto, there arose an early spirit of unrest that, growing with the years, finally broke into organized opposition.

From the intrusion of Governor Cornbury until the expulsion of Governor Franklin there appear certain distinctive features in the political history of the colony. Certain conditions occur and recur with modifications of time and circumstances. For seventy-five years there was friction between the governor and his council upon one side and the House of Assembly upon the other. The chief executive was usually a member of the Church of England, which, struggling for general recognition in the colony, made head largely by reason of royal protection. The governors surrounded themselves with representatives of the landed interests of West Jersey, or wealthy merchants and men of estate in East Jersey. Except in a few instances the governors had the support of the Society of Friends, whose property required protection and who were adherents of constituted authority. In the house the restive spirit was often led by men in whose veins flowed the blood of the Covenanters, for all through the long quarrels between the governor and the Assembly it was East Jersey men who were most active in the defense of their political rights.

The points of difference which tended to dis-

turb the relations between the governor, his council, and the Assembly were mainly of an economic character. The poverty of New Jersey, whether pretended or real, was constantly before the eyes of the governors. Although the words of welcome extended to the Assembly by the governor might be complimentary, and the reply couched in respectful if not admiring language, the salary list soon brought a drop of venom to the surface of the smiling waters in the cup of peace. Then would the Assembly refuse to grant moneys for the governor's stipend, followed by the demand for a fiat money, the issuance of such paper currency being first allowed by the crown as a war measure.

Throughout the years the undercurrent of resistance grew stronger and stronger. It ran so deep that few realized its importance. The royal governors, basking in the light of royal favor and hoping for preferment, were apparently totally indifferent to its existence. It was an unorganized movement, but in the light of history its course can be readily discerned. A recent writer has shown that many of the emigrants, who earlier were homeless and friendless, had become tenants of the large landowners or had acquired small holdings, but not enough to entitle them to suffrage. Lying as it did between New York and Philadelphia, both of which cities were growing in importance, New Jersey was crossed and re-

crossed by a drifting class of adventurers, men who seized upon an outcry to disturb the public peace, held forth to ill-informed audiences in wayside taverns, or encouraged redemptioners and other short-term slaves to run away from their masters. These elements and the small farmer, urged on by the adventurers, were the first to protest against the limitations of the franchise, the severity of the criminal laws, the method of appointing judges, and the general static conditions prevalent in the colony. As early as 1710 there are traces of the sentiment, "taxation without representation," in the expressions of opinion by members of the Assembly, while the unpublished records of the Supreme Court show several trials and convictions for treasonable utterances publicly made by more than one unfortunate agitator.

Added to the local conditions was the stupid, stultifying policy of the home government. Although not personally responsible, the governor, charged with the execution of the acts of Parliament, was compelled to bear the odium of enforcing objectionable legislation. Briefly it may be stated that England regarded New Jersey and her other transatlantic colonies merely as sources of revenue, whence could be drawn money and food. "Crushed competition" was the cry of the English and Scottish workingman, and in the process of destroying the economic life of her dependen-

cies she lost them forever. One of the State historians has tersely stated that in New Jersey, by legislation England throttled the bog-iron forges for the benefit of her home laborers; prohibited the exportation of American woolen goods; restricted the sale of wooden staves and hoops, sought to confine the trade in beaver hats, and refused, as a crowning exhibition of economic weakness, to permit a free circulation of money. The colony was placed upon the weakest possible economic basis. With a paper currency, which depreciated with every adverse wind that blew, New Jersey relied upon so frail a medium of exchange. There was also a congested circulation of European gold, silver, and copper. The minted coin quickly fell into the hands of the merchants and landowners, who contracted and expanded the circulating medium, either unintentionally or otherwise.

With poor roads, ineffective mail service, and other instruments of association blunted or neglected, the condition of the colony was unquestionably in need of relief.

Although the legislation passed by Parliament to thus hamper economic growth was copious, it may be resolved, according to John Bach McMaster, into four distinct elements:

1. It was required that colonial trade should be carried on in ships built and owned in Eng-

land or in the colonies, two-thirds of the crew to consist of English subjects.

2. Most of the products of the colonies could be sent only to England. Certain products could be shipped to any port in the world, but these products were few in number.

3. Intercolonial commerce was prohibited to the extent that, if a given article which went from one colony to another was of a kind that might have been supplied from England, it must either go to England and be transshipped to the purchasing colony, or pay an export duty, where it was shipped, equal to the import duty it would have to pay in England.

4. All goods forwarded from Europe to America must first be sent to England.

To enforce these regulations there grew up in New Jersey a spy-system, which affected every merchant, every vessel owner, and every trader. Naturally there was much violation of the law, although many of the most active smugglers were never brought to justice. The crown officials, collectors of customs, revenue inspectors, and the like were often men who held their offices as rewards for services rendered the home government, and, as they were practically autocrats in their little spheres, they profited accordingly. The moral effect upon the business sense of the community was bad, and the most enterprising smug-

gler—provided he was successful—was duly admired by the masses, not only for his boldness, but because he had outwitted the crown officers, or had purchased their silence.

It was under such conditions as these that even an intense loyalty became shaken, and that men of affairs, whose careers had been made possible through royal recognition, were willing at last to cast the fateful die, and in a revolution be willing to risk their lives, fortunes, and devotion to their sovereign for the sake of right and for the sake of a principle.



THE Indian, who in his "dugout" canoe paddled his way fearlessly through the rifts and rapids of the Delaware, or, unmindful of its majestic beauty, fished in the silent

waters at the mouth of the Hudson, gave to the Swedish and Dutch settlers their first method of transportation upon the internal waterways of a new land. Although slow to adopt most devices of the redmen, the immigrants took kindly to the canoe, and found in it a safer and much swifter method of reaching sparsely settled communities than in the employment of their sturdy but cumbersome rowboats and yawls. Nor were the English less impressed by the canoe. With them, somewhat modified in lines and improved in comfort, the canoe came into general use. Such a method of transportation was a prime necessity. Only by such means could association be had among those widely scattered settlements which dotted the mouths of creeks emptying into tide-water in the eastern and western divisions. In letters of the time reference is made to the canoe, and, when occasion arises, with sufficient praise.

With the growth of population the demand came for better methods. The yacht and schooner appear, and shipyards dot the shores of the rivers and streams in the vicinity of New York and Philadelphia. The Swedes and Dutch had already

built some vessels of size, and the English undertook the construction of larger craft. Along the Monmouth shore, at Elizabeth and at Newark, there was a growing trade and an increasing community of interests. In West Jersey, owing to the wide, shallow streams, marshes, and heavy forests, association among the river-front towns was almost impossible except by water. The conditions demanded serviceable river craft, strong enough, indeed, to undertake the voyage along the sea coast between New York and Philadelphia.

Following the establishment of this form of communication came the construction of roads—mere trails, indeed, following the wanderings of the Indian paths and along the lines of least natural resistance, but roads sufficient for all purposes. In East Jersey most of the roads were established by orders of the court or by direction of the town authorities. In general terms these roads extended northward and westward along the river valleys, projected to the settlements situated upon the Hackensack and Passaic, and reaching Newark. Thence a road ran to Elizabethtown and to Elizabethport, thence to Amboy and to Inian's Ferry (now New Brunswick). A series of roads and paths connected the towns on the north Monmouth shore.

In West Jersey a road extended from the Falls of the Delaware (Trenton) to Crosswicks, thence

to Burlington, to Newton, to Salem, and later to Cohanzey Bridge (Bridgeton). In Burlington and Gloucester Counties side roads connected this main highway with the settlements in the "back country." A road extended from Portsmouth (Cape May Town) to Somer's Point and thence by trail to Tuckerton.

At best these roads were little more than paths, yet over them rode the members of the Assembly and council, judges of the court, and merchants. In the carrying of goods both packhorses and the sturdy backs of Indian and negro slaves were employed. The latter were usually sent in the care of some competent supervisor, although the custom early disappeared, the horse remaining until a much later day.

But while the two divisions of the State were enabled to sustain local relations there was, for the time, a barrier which separated East and West Jersey and rendered association between the two provinces most difficult. Between New Brunswick and Trenton lies a narrow waste of land, about thirty miles in width, which for many years prevented communication. Through this wilderness there was an Indian trail, along or near which, in 1695, the Legislature of East Jersey provided for the reconstruction of an existing public road.

The earliest evidences of a direct and perma-

ment association between the Delaware and Raritan Rivers appear in the announcement made in the *American Weekly Mercury*, January, 1737-38, when to "Accommodate the Public" it was announced that a "stage waggon" would run on Mondays and Thursdays from Trenton to New Brunswick, returning from New Brunswick on Tuesdays and Fridays. The rates were 2s.6d. each passenger. A summer stage was "fitted up with Benches and Cover'd over, so that Passengers may sit Easy and Dry."

As early as 1723 a stage ran twice a week between Trenton (presumably from Morrisville) and Philadelphia. Later, in 1728, a stage was in readiness at Redford's Ferry, opposite Amboy, to transport goods and passengers to Burlington "when ever Freight presents," and in 1733 two wagons were announced as "intending to go from Burlington to Amboy and back from Amboy to Burlington again. Once every Week or oft'er if that Business presents." These latter ventures probably proved unprofitable, as no further reference to them appears.

In 1740 the Trenton-Amboy line again appears, which soon had a formidable rival in the line successfully projected and for many years sustained by Joseph Borden, founder of Bordentown. In the spring of 1740 he announced a "stage waggon" to run from Bordentown to Perth Amboy,

and what was evidently another line from Amboy to Crosswicks Bridge and thence "if Lading presents" to Burlington.

In 1750 Daniel O'Brien, who, according to the *New York Gazette Revived in the Weekly Post Boy*, "put up at Mr. John Thompson's at the Thistle and Crown known by the Name of 'Scotch Johnney's,'" gives notice to "Gentlemen and Ladies" that he conducts a "Stage boat * * * if Wind and Weather permit," from New York to Amboy, and thence by stage to Bordentown, where another stage boat runs to Philadelphia. The rates are the same as between New Brunswick and Trenton and "the Roads generally drier." In 1752, from an advertisement of Joseph Borden, Jr., it is learned that the trip from Philadelphia to New York consumed from thirty to forty hours, which under the same management in 1753 was cut down to twenty-four hours, the wagon route consuming a day. In the same year a wagon from New Brunswick to Trenton was run with a "stage boat" from Trenton Ferry to Philadelphia. A contemporaneous Burlington company, to promote "the general good of mankind in increasing and facilitating trade and commerce," offered "stage waggons" and "stage boats" between Philadelphia and New York, claiming that Borden's twenty-four trip is hyper-

bole, and that his stage boat is " frequently three tides upon the water."

For several years the Burlington-Bordentown competition raged furiously, and finally died out as travel was diverted to the land route from Philadelphia. On June 16, 1757, appears an advertisement in the *Pennsylvania Gazette* to the effect that on Tuesdays a stage would run from Philadelphia to Trenton Ferry and thence on Wednesdays to New Brunswick and the Blazing Star Tavern kept by Jacob Randolph, where passengers and goods will reach New York that night. In 1759 a new route from Philadelphia to New York was opened from Daniel Cooper's Ferry (Camden) to Mount Holly, thence to Middletown and Sandy Hook, and by boat to New York, with a branch line to Shrewsbury. In 1759 a four-horse stage was projected between Stirling Iron Works and the Landing.

The growth of these "stage waggon" and "stage boat" routes is indicative of a development, not only of the colony itself, but of constantly increasing association between Philadelphia and New York. Nor was this all. Philadelphia was the center of the young settlements that lined the frontier (the Allegheny Mountains) as well as the rapidly growing territory which lay along the valley of the Schuylkill and its tributary streams. Into Philadelphia came merchants from

Delaware, Virginia, and Maryland, and even the Carolinas. New York drew from the valley of the Hudson and all the settled portions of New England.

There were signs of united action, not only political, but commercial, in the colonial sky. The two cities were slowly becoming associated, and were reaching out across New Jersey, through the Bordens, O'Brien, and the Burlington Company, for a better and more permanent acquaintanceship. The pioneers in this primitive system of transportation have been forgotten, but their efforts and the efforts of others like them, in many places through the colonies, were agencies in making national unity a possibility.

By the opening of the Revolutionary War there were several systems of roads in New Jersey. One reached southward from Cooper's Ferry (Camden) to Gloucester, Woodbury, Raccoon, Penn's Neck, Salem, Greenwich, Cohanzy, and thence by Maurice River to Cape May. From Cape May a road skirted the shore until it reached the main road leading from Burlington to the vicinity of Tuckerton. From Burlington roads radiated to Moorestown, Mount Holly, and Eayrestown, while the road from Camden paralleled the river to Bordentown and Trenton. This embraced the main arteries of travel in Southern New Jersey.

From Bordentown and Trenton to the Raritan

River two roads, one direct to New Brunswick, the other a few miles to the eastward—the old stage roads,—were well defined. On the north shore of Monmouth County Freehold was connected with Shrewsbury and Cranbury, and Crosswicks with Middletown and New Brunswick. The Raritan Valley was a network of roads connecting the towns of the Dutch settlements, not only with the villages on the Delaware as far west as Phillipsburg, but with Trenton and the South.

From Phillipsburg a great road extended north-east through Oxford to Walpack. Here a branch ran to the tri-States line, while a fork extended along the drowned lands to Goshen, N. Y., and thence to the Hudson. At Oxford was the western end of a road leading through Hackettstown, Sucassunny, and Mendham, to Morristown. From Morristown there were roads to Hackensack and to Woodbridge. From what is now Jersey City a road ran along the Palisades to Haverstraw, and thence north, while another highway extended through Schraalenburg and Ringwood. The congested centers north of the Raritan and east of the hill country, including Metuchen, Scotch Plains, Springfield, Elizabethtown, Rahway, Newark, and the region now known as Paterson, were thoroughly united.

Upon the public highways there were some highwaymen and not a few horse thieves. Of the

latter Tom Bell, a noted character in his day and the hero of many exploits, is best remembered. But the State appears to have been singularly free from depredations of this class of criminals, although the opportunities offered them were abundant. The prompt and efficacious administration of criminal law, and the severe penalties prescribed for such offenses, acted as a restraint upon this element and led to few but thoroughly effective convictions.

TO THE Algonkain Indian must be credited the establishment of the first medium of exchange within the boundaries of the State of New Jersey. When the Dutch and Swedes came to the valleys of the Hudson and Delaware they found the Lenni-Lenapé and kindred peoples possessed of a money which, while crude, was satisfactory—so satisfactory, indeed, that the settlers provided, by custom and law, for its use among themselves and in their trading relations with neighboring tribes. This money was the wampum,—the shell money of the peltry dealer and of the signers of treaties. In such esteem were these belts held that early in the settlement of Burlington a negro woman was brought before the Court “for stealing and defacing ye Indian Belt p’sented by ye Sachem to ye Gov’nor.”

Made from shells of bivalves, usually the common clam, wampum-mints embraced any region in which the shells abounded. To the Indian the clam served a double purpose, as he used the edible portion and dried it against the winter, and made his money from the polished covering. The manufacture of wampum was most extensively conducted in New Jersey. A full description of the manufacture and uses of wampum is given in William Nelson’s “Indians of New Jersey,” pp.

35-39. It was made in the form of beads, ground down to the thickness of a large straw, about a third of an inch in length, smoothly polished, bored longitudinally with sharp stones, and strung upon thongs or the sinews of animals. The white beads were called wampum, and the blue, purple, or violet beads were called suckhanock, or black wampum. The latter, being less plentiful, and perhaps preferred for its color, was rated at twice the value of the former. The strings of wampum were of different lengths, and their value increased in proportion to the quantity of black. Besides being "money," the arrangement of the pieces in strings, and these made into a belt, were records. Treaties were also made with such shell documents.

Probably both men and women made wampum, the process of manufacture consisting in cutting it out in the rough with a flint flake, probably serrated, or in other words a flint saw. The pieces were perforated with a stone drill. Both forms of these mintstone implements are common in collections, as inter-tribal commerce was very widely carried on, and wampum was unquestionably exchanged very extensively. The clam occurs only on our Atlantic seaboard, and the wampum has been found far inland. Nor indeed was it until comparatively recent years that the manufacture of wampum was abandoned in New Jersey, for it

was made in Franklin Township, Bergen County, as late as 1860. The manufacture was conducted by white women, the product being sold to Indian traders in the then far West.

In the beginnings of English colonial life in East and West Jersey specie, gold, silver, or copper were scarce. The economic policy of the crown practically prevented its circulation, and in obedience to its own law the metals sought a common center, either New York or Philadelphia. How small was the amount the inventories of estates taken before 1725 disclose, even in cases of men possessed of vast landed interests.

But there was sufficient silver money in East Jersey by 1686 to justify the Legislature in passing an act regulating the rate of exchange—a statute which throws a clear light upon the monetary condition of the day. “For the public weal of the Province” it was enacted that, “Forasmuch as it is daily found by experience, the growth and prosperity of this Province is much obstructed by the continual draining the silver money, that is most valuable, by persons that come only to trade and carry away the money in specie, without either turning or trading the same amongst the inhabitants of this Province, whereby whatever money persons bring in hither from England or Scotland, or any other part, not knowing the value

thereof, it is presently exhausted out of their hands by non-residents, so that the country is not at all benefited by such silver money, neither is the growth or produce of the Province at all wasted or made use of by such traders, which is a grievance much prejudicial to the inhabitants, and redounds much to the impoverishment of the Province, so that the commodities arising by the growth and produce of the place are not esteemed by persons bringing commodities from foreign parts, but the best of the coin is carried away for England and other places, as returns, or else pay'd away to neighboring Provinces for their commodities."

The money then in circulation in East Jersey embraces in its nomenclature a quaint catalogue of coins. There were the Mexican and Seville pillar pieces of eight, Peru pieces of eight, double, single, and half bits, English crowns, shillings, and gold guineas, New England shillings, dollars from the realm of the Prince Electors of Germany, ducatoons, Scots four-mark pieces, and French crown pieces. But the act was subsequently repealed, as it was found "by experience that many in Conveniences" attended its successful execution.

In West Jersey, where the racial elements in economic life were homogeneous, the intensely English character of the settlement is shown by

the fact that in the rate of exchange only English coins are mentioned. Under the proceedings of the commissioners, May 3, 1681, it was ordered by the court having jurisdiction over the liberties and precincts of Burlington that English coin should pass at the following rates :

1 Shilling, @ 1.6. (other pieces in proportion).

King's Copper Farthing, @ $\frac{1}{2}$ penny.

$\frac{1}{2}$ pence, @ 1 penny.

Moreover no one was compelled to take above "six pounds of ye said Copper Coyne in one payment."

In the general free Assembly held at Burlington, November 21-28, 1681, Chapter XXVI of a general act provided that an Old England shilling should pass at eighteen pence and other coin proportionately, while a New England shilling was legalized at fourteen pence and lesser denominations in a like ratio. This act was made void after May 18, 1682, by the Assembly of the latter year. Exactly two years after, or in 1684, it was ordered that "three farthings of the King's Coin shall be accounted and go current for one penny within this Province, and so proportionately to greater sums; provided none shall be constrained to take more than five shillings thereof at one payment."

In 1693 was passed an act by the West Jersey Legislature regulating the rates of coins, conforming the same to the current rates in Pennsylvania. The Spanish influence appears, as in East Jersey,

in the mention of “pillar, Mexico, and Sivil pieces of eight”, “ryalls or bits”, dog dollars, Peru pieces of eight, and Peru ryalls. No French coins are named. It was, moreover, provided that “all person and persons whatsoever resident in this Province, or that shall come from remote parts to trade amongst us, shall and are hereby obliged to receive and pay the same” according to the values specified in the act, except they plainly bargain to the contrary.

In May, 1682, an attempt was made by the Legislature to secure for West Jersey a separate coinage, and there appears to the world Mark Newbie, a member of the Society of Friends and one of the earliest settlers of the site of Gloucester. The necessity for a coin of small denomination was severely felt, and Newbie, who evidently had in his possession a quantity of copper coins, was empowered to supply the demand. The act provides:

That Mark Newbies half-pence called Patricks half-pence, shall, from and after the said Eighteenth Instant pass for half-pence Current pay of this Province, provided he, the said Mark, give sufficient security to the Speaker of this House for the use of the General Assembly from time to time being, that he the said Mark, his executors and administrators, shall and will change the said half pence for pay equivalent upon demand; and provided also that no Person or Persons be hereby obliged to take more than five shillings in one payment.

The coins were immediately placed in circulation, Newbie gave security for the issuance of his

pence, and to this day the coppers may be found lodged in private hands in parts of West Jersey.

From over-sea the transplantation, practically in bulk, of a considerable quantity of copper coins suggests the inquiry as to the nature of the coins themselves, and as to the manner in which they came into the possession of Mark Newbie. Unfortunately the origin of the coins is still open to controversy. Among the views taken by numismatists one finds that the Newbie or Patrick pence were medals of Papist origin of the time of Charles I, upon the occasion of the Protestant massacre, that they were Dublin tokens, or that they were authorized by the Kilkenny Assembly, prototypes in silver having been minted on the Continent and brought into Ireland, when money was scarce, for use by the confederated army. That there were several varieties is well known, two most common being: on the obverse a kneeling, crowned king—David, probably, or even Charles, who was fond of music—playing a harp. Above is a crown in brass with the legend “Floreat Rex.” The reverse shows Saint Patrick, with a trefoil in his right and a crozier in his left hand, surrounded by people; at his left is a shield charged with three castles and the legend “Ecce Grex.” Another reverse represents Saint Patrick stretching his right hand, driving away reptiles and serpents, whilst in his left hand

is a metropolitan cross and on the extreme right a church. The legend of the latter is "Quiescat Plebs."

That Mark Newbie secured these coins in Ireland is probably true, as it was from Ireland, on the 19th of September, 1681, that he embarked in a narrow sternal pink called "Ye Owner's Adventure," commanded by Mate Dagget. After a voyage of two months he arrived, by the grace of God, within "ye Capes of ye De La Ware," and after spending the winter in the vicinity of Salem finally took up a twentieth share of land, nearly midway between Cooper's Creek and Newton Creek in what was known as the Irish Tenth. Occupying positions of trust in the Society and in the Assembly, Newbie became one of the most prominent men in the colony. He did not live to see the outcome of his project to circulate Patrick's pence, dying early in 1683, and leaving a balance of £30 due West New Jersey. With his death the story of the Newbie coppers closed forever.

The instructions to Governor Cornbury forbade the exercise of executive power in assenting to any law altering the price or value of the current coin, without particular leave or direction. Although a wide scope for exercising gubernatorial power had been left to Cornbury, this question of money rates was jealously guarded by the home government, and for this reason, in June, 1704, came the

proclamation of Queen Anne regarding the rates at which foreign moneys should pass in the colonies, soon succeeded by an act of Parliament enforcing the proclamation.

To public spirited men of influence in England projects concerning an independent coinage for America were most attractive. Possibly William Wood's "Rosa Americana" coins are the longest remembered. Wood, incurring the enmity of Dean Swift, owing to a plan for an Irish coinage, turned his attention to the transatlantic colonies. Upon the 21st of June, 1738, Wood laid a proposition before the Lords of Trade and Plantations relative to the issuing of paper money and the raising of the coin. He proposed a gold, silver, and copper coinage which should have "America" stamped on its face. The scheme for its distribution, passing, and use in the colonies was elaborate, but unsatisfactory, insomuch that the subject was abandoned. In the meantime the proclamation of Queen Anne was more honored in the breach than in the observance, so much so, indeed, that in 1740 Governor Morris, owing to open and notorious violations, proclaimed anew the rates established under Queen Anne relative to the passing and accepting of sevil pieces of eight, cross dollars, ducatoons of Flanders, ecus of France, crusadoes of Portugal, old rex dollars, dog dollars, and gilder pieces of Holland.

The close of the Revolution found the State of New Jersey greatly in need of a small copper coin. This fact, joined with a declaration of State sovereignty, led to the issuance of certain coins familiarly known as "Jersey" or "Horse Head" coppers. The abundance of copper in New Jersey, the ease with which it could be minted, and the demand occasioned by the partial revival of trade after the war led the General Assembly on May 23, 1786, to consider the proposals of Walter Mould, Thomas Goadsby, and Albion Cox "for striking a Copper Coin for the State of New Jersey." A committee was appointed to confer with the minters. The next day the committee reported that Mould and his associates should be permitted to coin £10,000 or less of coppers, the State to receive a seigniorage of one-eleventh, or, if a greater sum than £10,000, "to as large an amount as will pass current without Depreciation," then the State was to receive one-tenth.

The 25th of May found another applicant for authority to become State coiner. This was William Leddle, who in a memorial stated that as he was possessed of considerable quantities of copper, as well as iron factories suitable for minting, he desired to be empowered with privileges of coining. He guaranteed the coppers to be of full weight, that the Legislature should devise the impression, that he should acknowledge a State

seigniorage of one-ninth, and that he was willing to accept paper money emitted by the State in exchange for the coppers. He asked for five days to prove his skill.

But Leddle was unsuccessful, his memorial was ignored, and upon the 1st of June, 1786, there was passed "An Act for the Establishment of a Coinage of Copper in this State," of which the following was the preamble:

Whereas, The Copper Coin now current and passing in this State consists mostly of base Metal, and of Coppers so small and light as to be of very little real Value, whereby the Citizens of this State are subjected to manifest Loss and Inconvenience and are liable to be greatly defrauded.

The act set forth that Walter Mould, Thomas Goadsby, and Albion Cox, their survivor or survivors, were empowered to coin £10,000 at fifteen coppers to the shilling. Each copper was to weigh 6 dwt. and 6 grs., manufactured and coined in New Jersey, with the obverse and reverse to be designed by the justices of the Supreme Court or any one of them. At any time Congress could alter the value of the coins. The coiners were also to enter into a bond to the governor of the State in the sum of £10,000 conditioned that the £10,000 in coppers be struck off within two years, rendering unto the treasurer of the State the seigniorage of one-tenth, and account to the Legislature for the said seigniorage. Finally any one

who should be guilty of coining coppers without leave of the Legislature first had and obtained should forfeit the sum of £12, recoverable by the county collector in an act of debt in any court of competent jurisdiction. Upon the 17th of November, 1786, a petition from Thomas Goadsby and Albion Cox prayed that they be made independent of Walter Mould, and that they coin only two-thirds of the said £10,000. A bill to that effect was passed on the 22d day of November, 1786. In this act Walter Mould was empowered separately to coin his one-third, viz., £3333. 6. 8. Why the triple partnership was broken is unknown except that, in the wording of the act, "Delays have been occasioned and the good intentions of the Act is likely to be defeated by the Circumstances of the parties being jointly bound to execute the contract."

The "mints" in which the "Horse Head" coppers were struck off were in Morristown and Elizabethtown, according to the best authorities.

During the three years of coinage, 1786, 1787, and 1788, there was but a single type employed, of which, however, there are many varieties. On the obverse one finds the horse's head, beneath which is a plow, the legend "Nova Cæsarea" and date, on the reverse a shield, which, if emblazoned, would be argent, six pales, gules, a chief, azure, and the motto "E Pluribus Unum." It will be

noted that the justices who, according to the act, originated the design followed closely the State coat of arms, drawings for which were made in the fall of 1776 and which were adopted in May, 1777. In this the horse's head serves for a crest, while three plows occupy the shield.

The introduction of the Federal system of coinage under the constitutional provisions led to the immediate abandonment of copper coinage on the part of the State of New Jersey.

Of all outward causes for political contention no one subject excited greater popular interest than did the issuance of paper money in the colony and State of New Jersey. The scarcity of specie, the ability of colonial merchants to "corner" gold, silver, and copper, the growth of trade in spite of Parliamentary restrictions were among the underlying causes which led to the first emission of New Jersey's paper money in the year 1709. Ostensibly the reason was to be found in the needs of government for money during the Canadian expedition, some £3,000 being demanded. This, however, is but one of a number of elements in the financial problem of the day. In the scarcity of an available circulating medium the people turned to paper money for relief. This, according to the colonist idea, accomplished the correction of all financial difficulties, for with an abundance

of paper money everyone would bask in the sunlight of economic prosperity.

The situation found its clearest expression in the attitude of the Assembly. Between the governors and the lower house there was much ill feeling, even bitterness, the Assembly boldly declaring that it would not support government unless bills of credit were authorized. In 1723 a compromise was effected, the house agreeing to sustain the civil and military list for ten years provided a stock of paper money was placed in circulation. Forty thousand pounds in bills of various denominations was emitted from the press, four thousand pounds being paid to the East and West Jersey treasurers for the redemption of old bills. The remainder was placed in the hands of county loan commissioners, who lent the money on real estate mortgage and on deposits of plate, for a period not exceeding twelve years, at five per cent. per annum. With this act came a temporary relief, particularly as the taxpayers had previously placed in the collectors' hands jewels and plate in payment of assessments. Similar legislation increased the issues, by 1776, to the amount of about £600,000.

The natural effect of overproduction of paper money was in a depreciated currency. The bills circulating in East Jersey were affected by New York rates, where, according to the German trav-

eller, Ebelin, the guinea was valued at £1.15, while in West Jersey Philadelphia rates of the guinea at £1.14 caused still another standard of exchange. Nor was this effect merely local. Its international aspect is reflected in the statement of Governor Morris that New Jersey bills of exchange for £100 sold at sixty per cent. in London during 1741, and according to other authorities had little or no market upon the Continent.

With a depreciated paper currency and a paucity of specie New Jersey entered upon the Revolution. During that period the pamphlet laws teem with legislation designed to sustain, by acts establishing rates, the constant issues of bills of credit. Both the paper money of Congress and of New Jersey went upon a downward course of depreciation. The operations of the laws of supply and demand, rising above all considerations of patriotism, of devotion, of self-sacrifice, could not stem the current. New Jersey suffered bitterly, in spite of an earnest effort in 1779, when the most vicious element of the paper currency was withdrawn by a law of June 8th. By this act, in accordance with a resolve of the Continental Congress, all bills struck on or before April 19, 1775, were continued as legal tender, except for taxes, only until September 1, 1779, and after the 1st of January, 1780, were declared to be irredeemable.

The utter hopelessness of any redemption of

continental currency appeared early in 1781, when the bills of the United States ceased to circulate. Recognizing this fact, the Legislature of New Jersey on January 5, 1781, declared that continental currency should be a legal tender only at current rates. In June, and frequently thereafter, a scale of depreciation was established for the adjustment of debts previously contracted. The period of the confederation was passed by New Jersey in an heroic endeavor to raise revenues for the payment of the debts of the United States.

Closely associated with the subject of money in New Jersey is the question of counterfeiting. Before 1709 the operations of counterfeiters were limited. There was little chance of imitating foreign coin then in circulation, inasmuch as metal and alloy were extremely difficult to obtain by those likely to commit crime; moreover, when money was used it was subjected to test, owing to its comparative infrequency. An examination of court records shows but few indictments for this crime, although a few cases occurred in Burlington for the lesser offenses of "clipping" and "sweating."

Nevertheless as early as 1683 the West Jersey Assembly recognized by the passing of a statute that illegal practices, to a degree, were prevalent. The act in its preamble states that: "Forasmuch as several reports and complaints of late have

been made of a suspicion of new money being coined, stamped or counterfeited of the Spanish and New England coin or of its being spread within this Province to the injury and abuse thereof and of the neighbour Provinces," it was enacted "that strict and diligent enquiry be made for the finding out such person or persons who have been guilty thereof, and to apprehend such offender and offenders, and that a grand inquest shall be thereupon impannelled for the searching into the same, that so such person and persons as shall be found guilty thereof may receive such punishment as by the court shall be adjudged."

The introduction, in 1709, of poorly printed bills of credit, the ease with which they could be counterfeited, the secret recesses of the hill country of Northern New Jersey, the wilderness of the "Pines," the nearness of New York and Philadelphia, where counterfeit bills of credit could be passed, made New Jersey a locality peculiarly fitted for counterfeiting operations. That the bills, printed from type, were counterfeited is proven by many indictments in the records of the Supreme Court and from the reports of hangings for the offense, printed in contemporaneous newspapers. There was also legislation upon the matter, an act of March 1, 1774, enforceable for seven years, being typical.

The statute provided for the punishment of

“ Counterfeiters of foreign Gold or Silver Coin current within the Colony of New Jersey.” The offender was to be “ whipped, branded with the letter *R* in the brawn of the left thumb, by an Iron sufficiently hot to make a lasting mark, fined, imprisoned, pilloried or cropped, or shall have one or more of these Punishments at the Discretion of the Court.” For the second offense he was adjudged guilty of felony without benefit of clergy, and sent to a future home where counterfeiting was not a necessary means of livelihood. For the illegal reproduction and passing of paper money the phrase “ To Counterfeit is Death ” is so familiar as to scarcely need repetition.

The minting of the “ Horse Head ” coppers was the cause for legislation in 1787, which had for its object the prevention of “ Circulation of bad and light Coppers ” in New Jersey. By its terms any one who passed or offered to pass any coppers other than those made by the State coiners was to forfeit ten times the value of the copper so issued. This act did not apply to coppers struck by order of the Congress of the United States.

Of the money current in New Jersey previous to the opening of the nineteenth century but few specimens, either of bills of credit or coins, remain outside the limits of private and public collections. Much of the paper money was destroyed by redemption, more by fire, decay, and the rav-

ages of rats and moths, while of the specie, thousands of foreign coins were melted and converted into federal currency when the United States mint was opened in Philadelphia.

UPON the 13th of November, 1675, the first counties within the limits of the State were created by act of the Legislature of East Jersey, upon the plea of the necessity for erecting county courts. The statute, although indefinite in its description of boundaries, clearly states that two such courts should be held each year in Bergen and its adjacent plantations, in Elizabethtown and Newark, in Woodbridge and Piscataway, and in the two towns of Navesink. To these four counties no names were given, nor were their limits defined until March, 1682, when Bergen, Essex, Middlesex, and Monmouth were set off by name.

In the act of the East Jersey Legislature creating these territorial subdivisions, Bergen was defined as embracing all of what is now Hudson (east of the Hackensack River) and a portion of modern Bergen County. Essex comprised modern Essex, Union, part of Passaic, part of Hudson, a greater part of Bergen, and a portion of Somerset County. Middlesex is not concisely bounded, but included more territory than the present county of that name, while the limits of Monmouth were largely identical with the present Counties of Monmouth and Ocean.

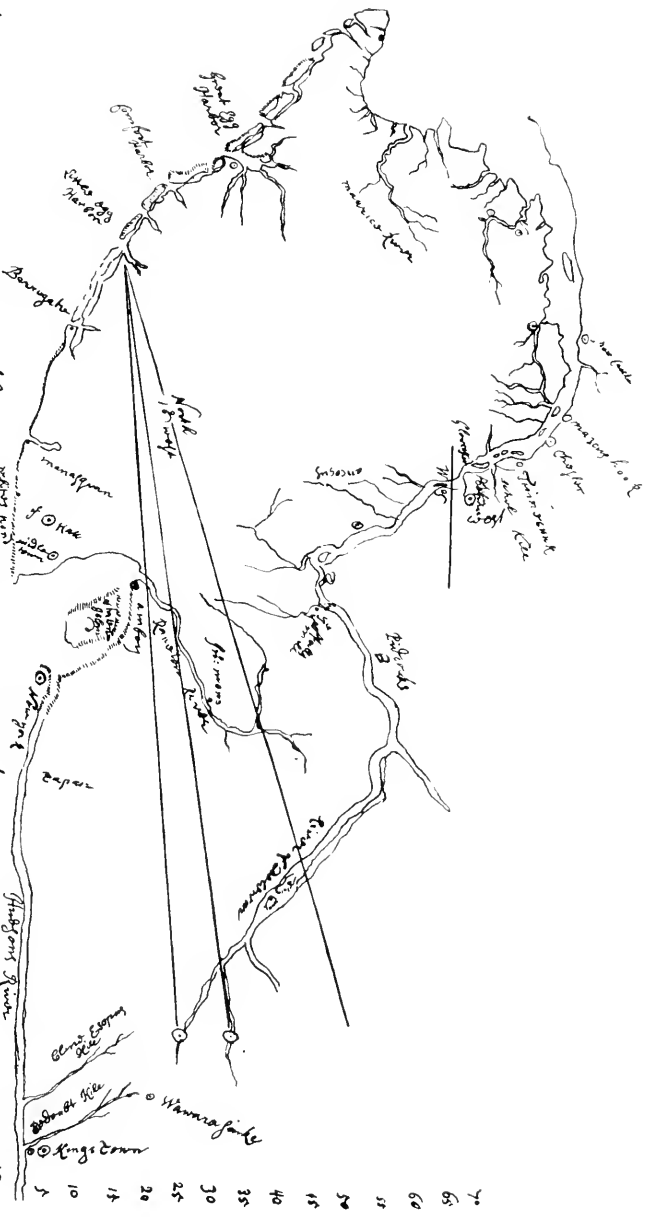
The result of this lack of legislative perspicuity was immediate confusion. To the New England

element in East Jersey the county was not a political unit, their activities as citizens centering in the villages and towns. As these communities were widely separated, the county became largely a generic term, comprehending those places whose judicial interests were similar, or which were in political relationship.

In May, 1688, the settlers in Middlesex, on the "uppermost Part of the Raritan River," were set off into the county called Somerset, a loosely bounded body politic. The reason assigned was because of different methods of husbandry and of the "frequent Floods that carry away their Fences on their Meadows, the only arable Land they have, and so by consequence their interest is divided from the other Inhabitants of said County."

In West Jersey the organization of the county was upon a somewhat different basis. While the East Jersey county system sought primarily to bring together towns having common interests in judicial matters, the West Jersey county had social and economic causes for its creation. The county of West Jersey was a distinct political unit; all its towns drew their inspirations from the shire town, and individuals associated themselves politically with their counties rather than with their villages. The plantation, as in Virginia, was the nucleus, the county the consolida-

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MAP OF NEW JERSEY IN 1880.

tion, of plantations, and Burlington, the capital, the representative municipality of the entire province. The counties of West Jersey grew out of a somewhat curious sub-division of the province, authorized by the commissioners during the month of February, 1681. The provincial surveyor was directed to divide the river front between the Assanpink Creek and Cape May into Tenths, each containing ten proprietaries. This was accordingly done, but upon examination it was found that the surveyor, having located his sixth Tenth within the area of the present County of Cumberland, was unable to survey the remaining four Tenths within the limited peninsula of Cape May. But as the territory was unoccupied the plan met all necessities of the case among the up-river settlements, which sent representatives to the Assembly from the various Tenths for several years. The First and Second Tenths, known respectively as the Yorkshire and London Tenths, became the County of Burlington, the Third and Fourth Tenths the County of Gloucester, and the Fifth and Sixth Tenths the County of Salem, also including the present County of Cumberland. But the erection of Tenths did not entirely meet with the approval of the people of the third and fourth divisions of West Jersey. In May, 1686, the residents between Pensauken and Oldman's Creek assembled and, taking the initiative as a "democratic common-

wealth," declared themselves to be a county, established courts at Axwamus and Red Bank, and provided for the establishment of a local judiciary. This was the only county in New Jersey deriving its existence from the direct action of its own people.

In November, 1692, Cape May was erected into a county, "being a place well situate for trade," its boundaries including Maurice River Township in the present County of Cumberland and the southwest portion of the modern County of Atlantic.

From this period until the surrender of proprietary government the adjustment of county lines occupied the attention of the West Jersey Legislature. In 1692 the line between Burlington and Gloucester was in dispute. In 1694 the boundaries of Burlington were defined, embracing the territory between the Assanpink or Derwent Creek on the north and the Pensauken or Cropwell Creek on the south, including two Tenths. Gloucester extended from the Pensauken to Oldman's or Berkeley Creek, also including two Tenths, while Salem extended from Oldman's Creek to Back or Tweed Creek. The inhabitants above the Assanpink Creek, in the vicinity of "ye ffalles of ye De La Ware," were annexed to Burlington County, and the inhabitants of Great Egg Harbor region were placed under the jurisdiction

of Gloucester County, they formerly having been within the limits of Cape May.

But such organization of counties was, at best, a makeshift. What with the uncertainties of legislative descriptions, the fact that much of the colony had never been settled, much less surveyed, and in view of the changes in government, the Legislature on the 21st of January, 1709-10, redefined the boundaries of the counties. There were then in East Jersey Bergen, Essex, Somerset, Middlesex, and Monmouth, and in West Jersey Burlington, Gloucester, Salem, and Cape May.

During the subsequent portion of the colonial period Hunterdon County, embracing the settlements above Burlington, was created March 11, 1713-14; Morris County was set off from "the upper parts of" Hunterdon on March 15, 1738-39; Cumberland County was organized from Salem January 19, 1747-48; while Sussex was taken away from Morris June 8, 1753, Morris, Hunterdon, and Sussex lying in both East and West Jersey. Boundary disputes were also settled between Somerset, Middlesex, and Monmouth in March, 1713-14, between Essex and Somerset in 1741, and between Morris and Somerset in 1749.

In the naming of the colonial counties of New Jersey their nomenclature was largely derived from English sources. But Bergen, meaning "hills," and Cape May, in honor of the navigator

Cornelius Jacobsen Mey, are of Dutch origin. Middlesex, Monmouth, Essex, Somerset, Sussex, Burlington, and Gloucester revive recollections of the homes over sea and serve as illustrations of the intense English influence which so dominated New Jersey's development. Two colonial governors of New Jersey, Robert Hunter and Lewis Morris, have been commemorated in Hunterdon and Morris Counties, while the atrocities of the Duke of Cumberland, at Culloden, are recalled by the county named in his honor. To the fertile land of the Fenwick grant members of the Society of Friends gave the name Salem, meaning "Peace," a word of Hebraic stock, but which has become permanently incorporated among Anglo-Saxon place names.

Of the subsequent county names but little need be said. In 1824 Warren and in 1838 Mercer Counties were erected and named in honor of Generals Warren and Mercer, famous in the American Revolution. Hudson, in 1840, commemorates the adventurous discoverer. Camden, in 1844, recalled the name of the Earl of Camden, while Passaic, set off in 1837, is the only territorial sub-division whose name was taken from Indian sources. Atlantic, also created in 1837, and Ocean, established in 1850, are indicative of that seeming lack of distinctive material in place-naming so characteristic of many parts of the United States. The patriotic

spirit prevalent in the eastern part of New Jersey toward the opening of the Civil War led to the choice of the name Union for a new county erected in 1857.

It will be noticed that the creation of counties in New Jersey occurred sporadically. Thus from 1692, the date of the erection of Cape May County, until the establishment of Hunterdon County, in 1713-14, was a period of twenty-two years. Another quarter of a century elapsed ere a new county was created, Morris, in 1738-39. Inside of fourteen years both Cumberland and Sussex were added to the list. From 1753 to 1824 no counties were set off, although during the period of seventy-one years several applications were made to the Legislature to accomplish this end. Warren, in 1824, was the first of the post-Revolutionary counties. The twenty years from 1837 to 1857 saw seven counties come into existence and five of these within seven years, so rapid was the growth of the State. Since 1857 no counties have been added to the complement of twenty-one.

In the years following the restoration of the House of Stuart great things were expected concerning His Majesty's colonies in North America, and from none more than from New Jersey. Vague but fairly well authenticated rumors had reached London that New Jersey was exceedingly fertile, and a most pleasant land to look upon.

It was the province of Nova Cæsarea, it was said, whose broad acres would fill England's granaries, whose forests would furnish timber and the skins of wild beasts, whose mines would yield copper, iron, and mayhap gold and silver, whose harbors would be havens where ships trading from Greenland to the Spanish Main would find safe anchorage and a good market. In these dreams of the future it was not beyond the range of possibility that, in the attractive though unexplored wilderness, cities would arise rivaling in importance those of the Hanseatic League. To prepare for such conditions the Lords Proprietors in their "Concessions and Agreements" directed the Assembly, in 1664, that, for the future well ordering of towns and their trade, that body should "create and appoint such and so many Ports, Harbours, Creeks, and other Places for the convenient lading and unlading of Goods and Merchandizes * * * With such Jurisdictions, Privileges, and Franchises to such Ports, &c., belonging as they shall judge most conducing to the General good of the said Plantation or Province," and to incorporate with charters and privileges "Forts, Fortresses, Castles, Cities, Corporations, Boroughs, Towns, Villages, and other Places of Strength and Defense."

Charged as these directions were with the spirit of a decadent feudalism, the necessity for such a

course became later apparent. "Forts, Fortresses, Castles" there were none, nor did the "other Places of Strength and Defense" appear to exist worthy the attention of the Legislature.

The municipal government of Bergen had been organized upon the 5th of September, 1661, and a schout, an officer holding in part the position of sheriff, judge, and district-attorney, had been selected by the Dutch authorities at New Amsterdam. One of the earliest acts of the proprietors was to confirm the existing town government in 1665, and to grant to its inhabitants a charter of more than usual liberality. The towns, or more properly villages, then settled in New Jersey, lay in the vicinity of New York Harbor, and were Elizabethtown, Newark, Woodbridge, and Middletown. Piscataway and Shrewsbury were mere settlements. In 1683 Deputy Governor Lawry was directed to secure a charter for the town of Perth Amboy for the purpose of stimulating local trade and the prevention of the custom of sending goods to the New York market—a very early and pertinent illustration of the centralizing influence of the metropolis. In October, 1693, the town of Burlington was granted a charter, "not Any Thing being of greater efficacy to promote Trade and Business in the said Town than the indult of such Priviledges as may invite active and ingenious Men to resort thither and coinhabit therein and adven-

ture their Stocks and Estates upon the issue of Providence in the way of Trade." With such a practical and pious admixture of dollars and dogma in the way of a legislative invocation, Burlington City grew apace and became a formidable rival of Perth Amboy. Salem in the meantime had become a place of commercial importance, had been created a port of entry in 1682, and in the same year had been allowed a market.

During the period following the establishment of direct government by the crown Perth Amboy grew in importance so much that on May 22, 1718, a new charter was granted the town, a like favor being extended to Newark on April 27, 1713, when John Treat, Joseph Harrison, James Nutman, Eliphalet Johnson, John Cooper, John Morris, Joseph Craine, Thomas Davis, Nathaniel Wheeler, and George Harrison were named as incorporators. The growth of the river trade, and the fact that the city was the meeting place of the Legislature and the Supreme Court, led to the granting of a new charter for Burlington, May 7, 1734. Trenton was next chartered in 1745, but in 1750 the very generous provisions of the document were surrendered, and the village became once more a part of the township of the same name.

But in all instances the elaborate provisions of these colonial charters, based upon English pre-

edents and designed for English needs, were not well fitted for the communities for which they were formulated. The largest towns of New Jersey were villages at best, in nearly every case surrounded or partially surrounded by meadow and waste land. The communal form of town-building characterized them all—a small centralized population, the nearby meadows, a pasturage for cattle, often in common, and the outlying plantations. It was but a step from the city to the country, when the members of Assembly could leave the capital at Burlington or Perth Amboy, and in an hour's horseback ride hunt over new cleared fields or through the deepest woods.

The colonial charter of the city of Trenton is typical. The underlying purpose of these documents was unquestionably to give certain privileges to market towns and divert trade to common centers. The officials were usually appointed by the representative of the crown, only the minor officers of the city or borough being popularly selected, the voters being a class of citizens possessing property qualifications.

To East Jersey the settlers brought the concept of the town or township as a political unit. But the methods of accurately defining these towns gave rise to much confusion. Practically nothing was done to remedy this fault until the Legislature, in September, 1692, provided that the

inhabitants of each of the four counties, under a warrant of two justices of the peace, were empowered to ascertain and set the limits and bounds of the towns (townships), and to make return thereof. In an act, also passed in 1692, providing for the "raising of Money for their Majesty's Service," the following are mentioned as towns: Piscataway and the out plantations on the south side of the Raritan from South River to Somerset; Perth Amboy and the out plantations from Chesquakes to the South River; Woodbridge and all out plantations in Middlesex not before named; Elizabethtown and its out plantations; Newark and its out plantations; "Acquickanick," New Barbadoes, and the west side of Hackensack; Hackensack and its out plantations; Bergen and its out plantations; Middletown and its out plantations, and Shrewsbury and its out plantations.

In October, 1693, was passed "An Act for dividing Each County into Townships," supplanting the legislation of the previous year. The bounds of the townships are more or less clearly set out. In Bergen County were the townships of Hackensack and the corporate town of Bergen; in Essex County "Acquickanick" and New Barbadoes as one township, Newark, and Elizabethtown; in Middlesex County, the corporate town of Woodbridge, Piscataway, and Perth Amboy; in Mon-

mouth County Middletown, Shrewsbury, and Freehold. The County of Somerset was also considered as a township for constabulary purposes.

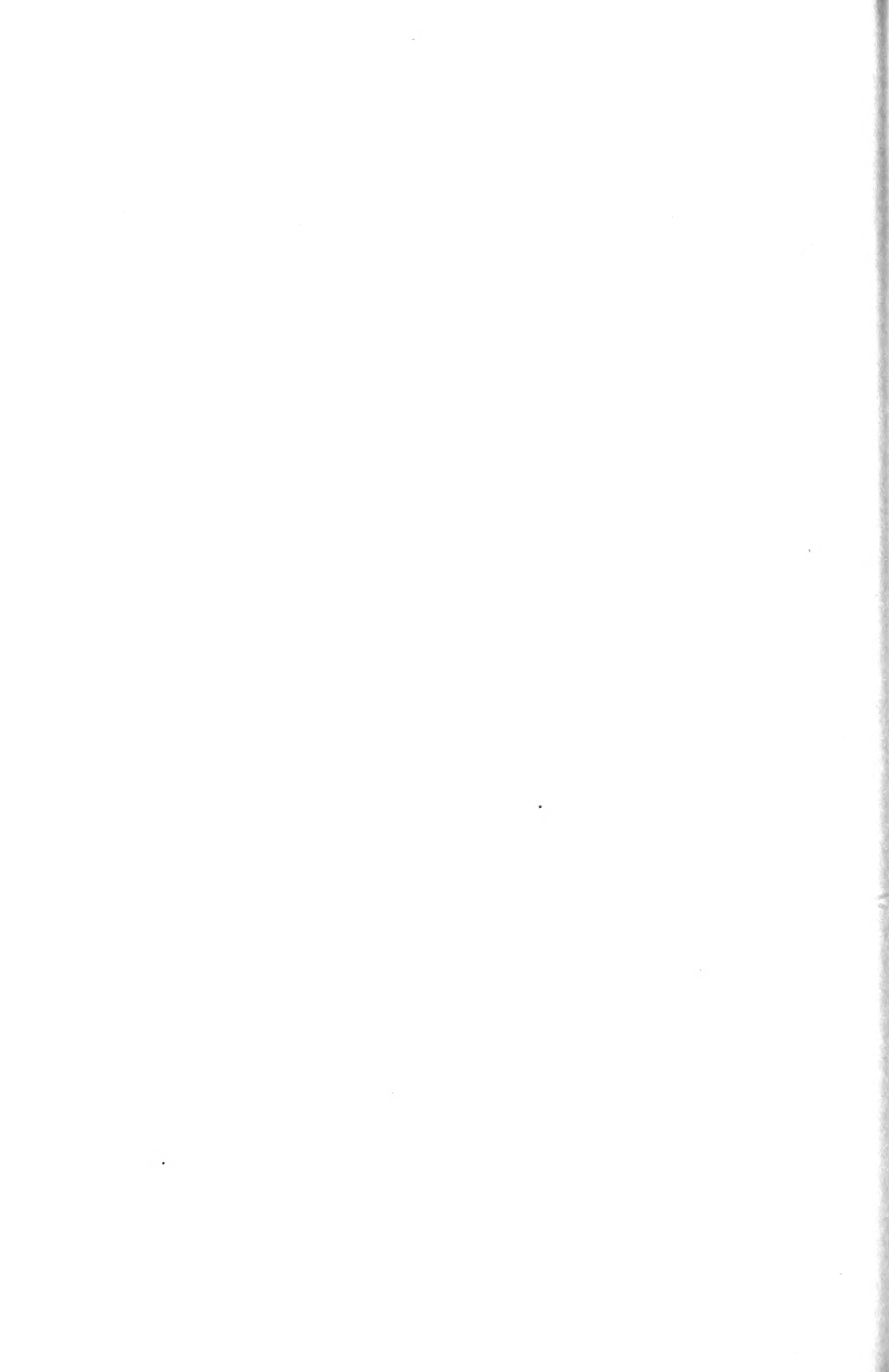
But while the Legislature thus defined these sub-divisions it must be remembered that they were practically established, by custom, as constabularies. Indeed, in West Jersey this method of creating townships from constabularies was early practiced. The manuscript pages of the court book of Burlington contain, among other matters, the record of the courts of quarter sessions. At such a court held at Burlington November 6, 1688, these respective constabularies or townships in the county were returned by the Grand Inquest and confirmed by the court: Nottingham, Chesterfield, Mansfield, Springfield, Willingboro, Northampton, Chester, and Evesham. In 1723, according to Beesley's "Sketch of the Early History of Cape May County," the court divided Cape May into upper, middle, and lower precincts or townships.

From time to time the Legislature, after the union of 1702, declared what should constitute a township, particularly in the act creating the County of Cumberland, although in the statute whereby the County of Sussex was erected seven commissioners, chosen by the people, were empowered to divide the county into precincts.

To the methods of creating townships by legis-

lative action, by order of the court, and by commissioners there was a fourth plan—that of establishment by royal charter and patent, under the great seal and approval of the governor. Two conspicuous cases, the charters for Springfield and Chester Townships, Burlington County, both dated January, 1712-13, are practically confirmation of the court order of 1688. An examination of the records of the office of the secretary of state discloses a number of these townships erected by royal authority, among them being June 8, 1708, Township of Amwell; July 15, 1730, Township of Reading, Hunterdon County; April 4, 1749, Township of Bridgewater, Somerset County; April 4, 1749, Township of Bedminster, Somerset County; March 9, 1750-1, Township of Windsor, Middlesex County; March 11, 1755, Township of Hopewell; May 24, 1760, Township of Bernards-ton, Somerset County; May 24, 1764, Township of New Pile's Grove, Salem County, cancelled and new patent issued October 29, 1765; June 17, 1767, Township of Upper Alloway's Creek, Salem County; March 7, 1767, Township of Woolwich between Homan's Creek and Raccoon Creek, being the lower part of Greenwich Township.





TO THE settler in New Jersey seeking a home in a land whose very boundaries were unknown the vast and barren wilderness of island, beach, and marsh, which forms a barrier against the ravages of the sea, possessed neither artistic interest nor intrinsic worth. From the beginnings of State life until well beyond the middle of the nineteenth century the sea coast of New Jersey was a terra incognita to the residents of the cities, a hopeless waste to the dweller upon the upland, and a grave to the imagination of the captains of sailing craft.

The beaches, as such, composed the shore lines of the old Counties of Monmouth, Burlington, Gloucester, and Cape May; the mainland extending to the sea only in that portion of the present County of Monmouth lying between Deal and Point Pleasant. South thereof the long, narrow islands, separated from the firm ground by endless acres of marsh, bays, and lagoons, stretched to Cape May, broken only by shifting inlets through which the ebbing and flooding tides raced with terrific velocity.

The problem of securing some profit from the beaches was early presented to the settler. Covered with coarse herbage, the farmers upon the mainland, seeking opportunities for the pasturage for cattle, sent them in flat-bottomed scows across

the lagoons, and, after branding their cattle, turned them loose to roam at will over the wind-swept dunes. While the beaches soon passed into private ownership, under the principle that no land was too poor to be without a proprietor, there was but slight recognition of individual metes and bounds. Faulty surveying, changes in natural monuments, alterations in contour caused by tides and subsidence, threw proprietary lines into the greatest confusion. Practically the beaches were commons, and the doctrine became prevalent that any colonist had the natural right to pasture his cattle on an adjacent beach although he might not own a foot of soil where his animals fed. In the "round up" of the cattle there were frequent "strays," whence sprang the "wild cattle," the subject of so many romantic tales.

The beaches furnished a coarse kind of grass, useful for bedding in stables, while from the marshes were obtained "black grass" and other kinds of graminæ whose habitat is adjacent to salt water. Along the "shore" the salt grasses furnished practically the only food of the farm animals during the winter months. Except, however, for local consumption, the natural products of the beaches and marshes had but little value, owing to the expense and trouble of transportation.

Upon Long Beach, in the present County of Ocean, and upon Seven and Five Mile Beaches, in

the County of Cape May, there was a luxuriant growth of red cedar, the Cape May beaches also being cropped with oak, gum, holly, and other woods characteristic of the southern portion of the State. This standing timber had commercial value, small indeed, when like trees were abundant upon the mainland, but increased as the growth upon the firm ground was cut for market. Utilized for shipbuilding, the beach oaks, famous for their endurance, were sought by naval constructors, while the fragrant red cedar was converted into chests and casks and employed for other domestic purposes. Yet during the colonial period the beaches, owing to their remoteness, inaccessibility, and dreariness, were considered rather as hindrances to a man's estate, no one dreaming of the day when a city population should demand them for summer playgrounds to gratify human needs and human pleasures.

To the hunter, accompanied by the half-breed Indian or negro, the beaches were a paradise. Wild fowl were in such abundance that even the apparently excessive statements of the early writers fall short of the truth. In the waters of the bays were fish "in prodigious shoals," says quaint old Gabriel Thomas, while oysters, clams, and crustacea were to be had at all seasons. Although a man might be poor along the sea coast, the very prodigality of nature prevented him from starv-

ing—a prodigality woefully abused, and even yet marvelled at by the casual visitor.

Upon the mainland lay the “Pines,” a vast irregular shaped tract of land clothed with pines, oak, isolated clumps of chestnut, and embracing tracts of white cedar, gum, and other woods. Covering the southeastern portion of the County of Monmouth, practically all of Ocean and Atlantic Counties, the larger half of Burlington County, the eastern parts of Camden, Salem, Gloucester, and Cumberland Counties, and the upper portion of Cape May County, this wooded area stood as a wall between the settlements on the Delaware and the sea. In the almost imperial holdings of the boards of proprietors of East and West Jersey the “Pines” were considered as being of comparatively little value. A generation elapsed before the forests in the immediate vicinage of the first settlements were cleared, and before any demand was made upon the timbered area in the interior.

The very abundance of wood led to its waste. From the Indian the settler learned the method of the quickest extermination of the forests—the use of fire. Particularly was this true in West New Jersey, and so great were the disasters resulting from conflagration that the Legislature as early as 1683 prohibited any one, under penalty, from “firing the woods to the prejudice of the in-

habitants of this Province" on or before the 20th of March. The act permitted owners to "fire within their own bounds, for their own convenience, who are also to take care that the fire run not out of their own bounds, nor prejudice any other person." Two years before, the Legislature had passed an act providing a punishment for timber thieving from surveyed land.

By 1700 the "Pines" had been crossed by surveyors, and much of the timber had been purchased from the proprietors. Thousands of acres still remained in the hands of the boards of East and West Jersey, but the work of destruction had commenced. It was the story of devastation and of criminal waste. Constant fires during the spring and summer ranged across the colony until fuel was exhausted or rains put out the flames. Forest economics was an unknown science, the purchaser seeing in his tract simply an opportunity to secure a yield of useful materials. Modern forestry, embracing such elements as an appeal to the artistic sense, a resort of health-value to invalids, and a regulator of water flow, was beyond the comprehension of those who purchased proprietary rights.

The greed of owners and the thieving of lawless persons became so great as to lead to legislative interference. In March, 1713-14, an act was passed prohibiting the common practices of stealing tim-

ber, cedar, pine staves, and poles, and of boring for and extracting turpentine. The statute also forbade the exportation of pipe and hogshead staves to neighboring provinces, owing to the rapid destruction of the forests,—legislation which remained in force practically throughout the colonial period. In 1743 an act was passed, applicable to the eastern division of the province, laying duties upon logs, timber, planks, vessel supplies, staves, and heading, except firewood, “exported to any of His Majesty’s Colonies upon the Continent of America,” which act was also made applicable to the common lands within the limits of the charter of Bergen Township. To further protect the forests, in 1772 a statute provided that cullers should be appointed to inspect staves, heading, hoops, shingles, boards, and plank “exported beyond sea,”—legislation necessitated by the development of the West India trade, where cedar and pine were exchanged for rum, sugar, and molasses.

Throughout the “Pines” the sawmills heralded the advent of permanent settlement. These mills were erected as early as 1700-1725, and furnished the beginnings of some colonial fortunes. Mainly they were operated by agents of owners, the proprietors living on the plantations facing the Delaware and its tributary streams. Narrow, winding roads, laid out along the lines of the least nat-

ural resistance, penetrated the forests and, starting from larger arteries of travel, ended in *cul-de-sacs* surrounded by timber. From these roads many of the highways of South Jersey have been evolved.

Alongside of the large lumbering industry stood smaller attempts to create wealth. In Gloucester County, before 1700, one Robert Styles, a worker in pitch tar and rosin, was accounted by a contemporaneous writer "an Excellent Artist in that sort of Work, for he delivers it as clear as any *Gum Arabic*." There was a considerable trade in "fat pine knots" for fuel and illumination, the latter use passing away upon the general introduction of cheap candles and illuminating fluids. Others followed Styles in tar making, but later the industry languished, to be revived during the Civil War, when the tar kilns partially supplied a portion of the demand caused by cutting off the Southern product. For the old-fashioned spinning wheels persimmon wood was used, while tobacco pipes were and are still made from the butts of the laurel, commonly known as "nigger heads." The irregularly grained and proverbially tough wood of the sour gum was employed for wagon hubs, blocks for the manufacture of beaver hats, for mauls and other utensils on the farms and for appliances on coastwise vessels.

Sumac leaves were ground and used for their

tannin-possessing properties. Both red cedar and sassafras oils were extracted along the coast, while the wild cherry was extensively employed as a medicinal agent.

Among the colonists furniture made of native wood was common, it being a custom to employ white holly in inlaying mahogany and rosewood desks and card tables. Throughout the southern section of the State the old-fashioned desks, or "secretaries" as they were called, were frequently ornamented with the names of the owner and dates of possession.

The manufacture of pot and pearl ashes was also attempted in the colony. John Keble, of West Jersey, asked the assistance of the British government, in 1708, in the stimulation of his potash industry in New Jersey, hoping thereby to secure a valuable trade and drive the Russian product from the English market; but little or nothing came of the appeal or of Keble's venture. Shortly before the Revolution attempts were made to revive this industry on an extensive scale in Northern New Jersey.

The "Pines" also constituted a vast game preserve during the colonial period, both birds and beasts surviving the constant fires and the destructive slaughter of gunners. Wolves were so abundant that a reward of 10s. was offered by the Legislature of West Jersey in May, 1682, for every

head of that animal, similar legislation having been enacted in East Jersey in 1675. The combined efforts of the Indians and the peltry traders slowly but effectually exterminated most of the smaller mammalia having commercial value. Bear disappeared, then beaver, and lastly deer. Stringent legislation early protected the latter animal, but greed and a demand for food supply rose superior to the acts of the House of Assembly and council. Throughout the colonial period other small animals were abundant, some of those particularly destructive or obnoxious remaining until the present day.

Among the settlers in the "Pines" and those along the sea coast there has been a contention concerning the enjoyment of what are known as "natural privileges,"—the right to fish in the waters of the State and to hunt on untenanted land. This contention has given rise to litigation, and has influenced the spirit of much of the so-called "fish and game" legislation. There was a color of right in the claim so far as West Jersey was concerned. Under the "Concessions and Agreements" of 1676 to the inhabitants was given the liberty of fishing in the Delaware or on the sea coast, as well as of hunting and killing deer, wild beasts, or fowl upon any lands unsurveyed, unenclosed, or unplanted. It was an easy transition to a contention that the liberty extended to

untenanted land, the mind of the uneducated hunter not drawing any fine distinctions in use of terms. To him, if no one lived upon the land it had no owner who had any interest in the preservation of game, and any right to secure food, once granted, was inalienable through all periods of time.

The natural conditions of the beaches and the "Pines" remained practically unaltered until the advent of the railroads. Since the construction of the railroads the beaches have acquired new uses and a value far out of proportion to their intrinsic worth. The "Pines" have changed in appearance owing to the constant presence of fires and the axe. Already there have arisen in the "Pines" Lakewood, furnishing health and pleasure during the winter months; Vineland, the center of a small fruit industry; Millville, a manufacturing city; and Woodbine and Alliance, homes of the Russian Hebrew colonist. With the congestion of metropolitan populations that must be fed, the clearing of the woods, and the demand for accessible land, the solution of the problem of the "Pines" will eventually be reached; but this solution must be left to future industrial development.



OF ALL structures, of a distinctively secular character, around which cling the traditions of colonial life in New Jersey, there are none which are more replete with association than the ordinaries, inns, and taverns. Critics have drawn sad pictures of the convivial habits of the colonists, yet the excesses once committed by no means rob these buildings of their sentimental interest nor of their historical value.

During the colonial period of New Jersey the inn became a social and political center. Not only were these houses designed for the entertainment of man and the baiting of beast, but they served as meeting places for Council and Assembly, as the temporary executive mansions for the governors, as county court houses, polling places, school houses, regimental headquarters on training days, termini for post and passenger stages, and even for the travelling ministers of various denominations. Here met the boards of proprietors of East and West Jersey, here gathered the yeomanry to listen to such "news" as the fugitive copies of New York and Philadelphia papers contained, while the county freeholders and township officers frequently had no other buildings in which business could be transacted. The chief and associate justices of the Supreme Court, with a retinue of lawyers, in circuit "lodged" in the

best rooms of the taverns, travellers were welcomed by the host in person, and in the yard were to be found prosperous small farmers, artisans, laborers, and slaves. As late as the Revolution that unhappy and much abused body, the Continental Congress, met in public houses, waiting for delayed quorums and grandiloquently discussing state affairs over which it had no practical control.

Whatever public life there was in the colony found its expression in the tavern, and its keeper became a man of more than common influence. It was he who first had information concerning the actions of the Legislature or the board of freeholders; it was he who stood on terms of respectful intimacy with the lawyers and knew that the decision of a tender point in law could only be effected after the punch had been well circulated. To him were referred disputes in cards, the price of lottery tickets, or the value of a "likely" heifer at fair time. He could give information either as to the condition of the governor's health or where the bills were posted announcing a sheriff's sale of wood lots. His it was to judge human nature, to keep an eye for runaway slaves, to carefully watch the travelling mountebank who sped away in the darkness without paying his reckoning, and to pay respectful attention to the ladies, who took far less journeys than their descendants

are now wont to take. As he was the general source of information, so was his tavern the resort of epicures. The standard of living, as then understood, found its perfection in the tavern. The best was none too good for his guests.

Venison, bear, wild fowl, and edible domesticated animals were abundant, and although common vegetables and fruits were few, butter a rarity, and ice in summer unknown, these deficiencies were supplied by an elaborate list of beverages now unrecognized by taste or name. That reverend author, good old Israel Acrelius, in his "History of New Sweden," mentions in 1758 a half hundred used in New Jersey, New York, and Pennsylvania. A partial catalogue discloses no less than eight wines, together with cherry and currant wine of domestic manufacture. Plain, royal mulled, and damasked cider, rum, egg nog, apple and peach brandy, whisky, molasses beer, spruce beer, persimmon beer, mead, many varieties of cordials, hot rum for funerals, tiff, sillibub, Sampson, and hotch potch are a few of the drinks of the time, not to mention that famous beverage of the day, metheglin or "perfect love." And when one considers that, in the olden days, few men "qualified" or "sophisticated" their liquors, their powers of endurance appear all the more noteworthy.

The importance of the tavern is shown by the

fact that the regulation of the business of supplying food and liquors to the public early attracted the attention of the Legislature. Contemporaneous with the organization of civil government in the province of New Jersey the Assembly of November, 1668, "in consideration of the inconveniences that do arise for the want of an ordinary in every town," ordered that Bergen, Elizabethtown, Newark, Woodbridge, Middletown, Piscataway, Shrewsbury, and the Delaware River settlements provide each an inn for the relief and entertainment of strangers.

License from the provincial secretary was required ere the ordinary-keeper could provide meat, drink, and lodging, and none was permitted to retail drink under the quantity of two gallons except such licensed proprietor.

The need of such general and restrictive legislation had become apparent, owing to the lack of any control over those who had previously sold malt, spirituous, and vinous liquors. In May, 1668, the Legislature had endeavored to correct "that beastly vice, drunkenness," by imposing a fine, or corporal punishment for the offense, and in case of "those unruly and disturbers of the peace" the malefactor was to be placed in the stocks until sober. "Night walking" after nine o'clock or "drinking in any tapp house" were also declared to be offenses. The culprit was held for examina-

tion "till the morning," and if unable to give a good account of himself was "bound over to the next court."

But these enactments failed to correct the evils, and in 1675 the statute "concerning that beastly vice, drunkenness," was reënacted. Intoxication increased in the province. Particularly was this true as affecting the desecration of Sunday, more commonly called in the statutes the Sabbath or Lord's Day. Constables, under the act of October, 1677, if informed, were required to seek out persons misbehaving themselves, "namely by staggering, reeling, drinking, cursing, swearing, quarreling, or singing any vain songs or tunes of the same," and set the offenders "in the stocks for two whole hours without relief." Those who kept places where such disorders occurred were subjected to fines.

The sale of drink in private houses, occasioning "great exorbitances and drunkenness * * * to the dishonor of God, impoverishing the commonwealth, and wrong to several poor persons," led to an act of October, 1677, which forbade all persons to sell liquors under the quantity of one gallon except such person kept a legal ordinary. A fine of ten shillings for each offense was distributed, when collected, between the informer and the poor of the town. At the same session the Legislature also regulated the price of liquors and

set the following rates upon all ordinary-keepers in the matter of food for man and beast: "for strong liquors by the gill, ^s10.8 the gallon, by the quart ^s2.6; good wine ^s7 the gallon; cyder ^d4 the quart; a meal for victuals ^d8; natural pasture for a horse in summer and the like for winter ^d6; a peck of oats ^d9," the proprietor "to be left at liberty for such as will bespeak their own provision."

"The Penalty of A Drunkard" is the somewhat startling title of the thirteenth chapter of the laws passed during a legislative session held in Elizabethtown in March, 1682. The penalty for the offense was placed at five shillings, to be imposed on conviction, and the fine was to be devoted to the poor fund. If the offender did not pay he or she—there were evidently female dipsomaniacs in East Jersey—was put in the stocks. The same session laws provided against "drinking in any ordinary," hunting, and gambling on the Lord's Day, while in the same year (1682) "An Act to prevent Tipling and other Disorders in Ordinary's by Town Dwellers" provided that any innkeepers who "trusted" an inhabitant or town dweller to small quantities of liquor, above the sum of five shillings, should be estopped from recovering the debt by suit at law. Contemporaneous legislation placed in the hands of two justices of the peace the right to grant licenses to inns and taverns.

By degrees public sentiment in this matter crystallized into general legislation which may be found in Chapter VIII of the acts of September-October, 1692. By this law all persons were prohibited from selling vinous or spirituous liquors under the quantity of one gallon and malt liquors under the quantity of one barrel, unless they were licensed by the county justices to keep an ordinary. The penalty for offending was £5. Persons licensed gave a bond of £20 "for their orderly house keeping."

Not only did the county justices "appoint the number of retailers sufficient for every town," but they were likewise "impowered to set the prices upon all sorts of liquors retailed." An excise tax of four shillings upon each barrel of malt and twelve pence upon each gallon of spirits retailed was also provided by the act. In October, 1693, the excise was removed by Chapter VII of the acts, and the governor in place of the justices was authorized to license all ordinary-keepers.

In the western province the Legislature found less occasion to deal with the liquor traffic or to regulate the ordinaries. These matters were largely relegated to the county courts, those of Salem, Gloucester, and Burlington regulating the rates at which liquor should be sold and provisions and lodging furnished. The widespread influence of the Society of Friends and their early

declarations by their meetings upon the subject of the immoderate use of intoxicating liquors were restraining influences throughout West Jersey. If such a course of a dominant religious society did not create a prohibitive sentiment it at least led to peace and good order, which East Jersey endeavored to secure by sumptuary legislation.

One statute in West Jersey deals with the subject. This is Chapter VII of the laws of 1683, which provides that the drunkard shall pay a fine of three shillings four pence for his offense, or sit in the stocks for a period not exceeding five hours. But even this legislation did not restrain one Peter Groom, who, upon a May day, 1694, stood before the justices of Burlington court "with his Hatt on w'h other Contemptuous behaviour" and was therefor fined five shillings. Peter contritely acknowledged that "hee had gott over much strong drink," whereupon the court remitted the five shillings fine and mulcted him fifty pence "for his appearing before ye Cort drunk."

In the records of the colony between 1664 and 1703 are preserved the names of a number of innholders. Peter Jegou kept a tavern on Burlington Island before the settlement of the town, while somewhat later one of the most famous buildings in Burlington, in fact in West Jersey, was Richard Basnett's brew house, title to which was vested in

his widow and executrix, Elizabeth, by act of the Assembly, in May, 1697. In Salem among the early innkeepers were Benjamin Acton, Hyppolite Lefever, and Michael Hackett; in Woodbridge, Richard Powell; and in Perth Amboy, Samuel Gibson.

The change of government occasioned by the "surrender" on the part of the proprietors led to new legislation upon the regulation of traffic in liquors. In December, 1704, an act was passed having for its object the suppression of immorality. One of the provisions of the statute imposed a fine of six shillings upon those convicted of drunkenness or breaking the Lord's Day. Confinement in the stocks for two hours was provided if the offender could not pay the fine. Innkeepers were prohibited from allowing tippling or drinking in their houses "on the Lord's Day, especially during time of Divine Worship," to which was added the extremely liberal qualification "excepting for necessary refreshment."

There was subsequent legislation of a similar character, but throughout the later colonial period the most noteworthy act dealing with the regulating of ordinaries, inns, and taverns was that passed March 15, 1738-39. Under this statute it was provided that all licenses should be granted only in justices' sessions, held where the tavern was designed to be kept. The licensees were to

come well recommended by letters signed by their neighbors, the prospective public householder entering into recognizance to keep an orderly house under penalty of £20. The license remained in force for one year.

Under-sheriffs and goalkeepers were prohibited from becoming innkeepers, or from selling liquors, simple or mixed, to prisoners under their care. The act further provided that clerks of the courts, where licenses were granted, should give a list of licensees to the county constables, who were directed to search, four times a year, for evidence concerning "enormities, irregularities, and evil practices" committed in the taverns. Ten shillings was the limit placed upon "trust" accounts, while all innkeepers were assessed from forty shillings to three pounds for the use of the poor.

Various modifications were made in this act, which, moreover, by the statute of May 10, 1768, underwent several important changes. In virtue of the latter statute six freeholders of the neighborhood were required to recommend the licensee, certifying to his honesty and temperance. The innholder was required to be provided with "two good spare Feather Beds more than is necessary for the Family's Use," and to have good house room, stabling, and pasture. The justices' rates for liquors, meat, entertainment, provender, stabling, and pasturage were required to be

posted in the tavern for ten days after spring and fall sessions.

From the two acts herewith cited the legal status of the tavern in the later colonial period may be ascertained. The preamble of the act of 1738-39 calls attention to the true purposes of inns and taverns. These purposes were the accommodation of strangers and travellers, the dispatch of business, and the entertainment and refreshment of mankind. They were not for the encouragement of gaming, tippling, drunkenness, and other vices. The act of 1768 also prohibited county justices from granting licenses to shopkeepers to keep taverns except in the County of Cape May. Persons holding vendues, "except civil officers making vendues at public Houses," were prohibited from giving or selling strong liquors at such sales under a penalty of £6.

That the taverns were the scenes of rioting and debauchery is not only a matter of tradition but of proof. In the office of the clerk of the Supreme Court of the State of New Jersey is an unrecorded and undated manuscript, probably written about 1750, containing testimony concerning a wine drinking frolic, which terminated a hunting expedition. The young men who were participants were sons of prominent citizens of Hunterdon County, and in their orgy it was shown that negro

and Indian dances, singing of psalms, and preaching formed a part of an elaborate ceremony which scandalized the community. The witnesses stated that the roysterers, after drinking wine, mourned the loss of two of their hounds and baptized another dog which they called their child.

It was probably this incident or others of a similar character that led the grand jury of Hunterdon County upon the 13th of May, 1754, to make a presentment touching disorder in taverns. The grand jurors "expressed a particular abhorrence and detestation of those public receptacles and seminaries of vice, irreligion, and profaness, licensed under color of taverns or houses for the reception and entertainment of travellers. The number, if your Honors please, are almost as unbounded as unnecessary for the good and honest purposes they were at first and ought still to be designed. Instead of these, they are most of them no other than the private retreat of children, servants, and the sink of ye town and country assembled and congregated together for the more secure indulgence of the several fashionable, and without your Honors interposition, legal diversions of cards, dice, drinking, cursing, swearing and the whole train of debaucheries incident to such infamous places."

The taverns continued to multiply and, it is feared, remained "receptacles and seminaries of

vice, irreligion, and profaneness ” until long after this remarkable presentment of the grand jury. That evils crept in, that dissipation was common, might well be expected at a day when the general tone of the community was much less refined than it is to-day.







THERE have come down from the earliest days but few allusions to the lawyers who practiced their profession in the Jerseys before the union of 1702. In all the varied occupations disclosed by an examination of public documents in the secretary of state's office between 1664 and 1703 but one man is distinctively mentioned as an attorney-at-law: James Emott, of Perth Amboy, deputy surveyor of East Jersey. In West Jersey here and there a name appears. In May, 1696, the Legislature selected as King's attorney (prosecutor of the pleas) George Deacon for Burlington, and Joseph Tomlinson for Gloucester, with no appointments for Salem or Cape May. In 1697 in this office Benjamin Wheat served for Burlington, Tomlinson was continued for Gloucester, and Joseph Woodrofe was appointed for Salem. In 1699 Thomas Gardner succeeded Benjamin Wheat, remaining in office during 1700. The other officials remained as appointed, John Crawford, in 1700, acting for Cape May County, which for the first time received such recognition. In 1701 John Wood became King's attorney for Gloucester, after which period the government became vested in the crown.

These men were respectable citizens of their counties, and so far as is known were not admitted to the bar in the sense in which the term is

now used. The organization of both the East and West Jersey courts was simplicity itself, so far as the intricacies of practice were concerned. There was little or no difficult litigation, and the lawyer was held in so little estimation that Gabriel Thomas, in his "Historical and Geographical Account of the Province and Country of Pensilvania and of West-New-Jersey in America," written at the close of the seventeenth century, thus assails the professional class:

Of *Lawyers* and *Physicians* I shall say nothing, because this Country is very Peaceable and Healthy: long may it so continue and never have occasion for the Tongue of the one, nor the Pen of the other, both equally destructive to Mens Estates and Lives; besides forsooth, they, Hangman like, have a License to Murder and make Mischief.

There was, however, in West Jersey at this period a man of excellent parts, a certain James Nevill, clerk of Salem court, who in his manuscript book of surveys, under date of 1687, leaves for posterity his impressions concerning trials by jury. Though written in the stilted language of the time, his comments show a clear and ready appreciation of the value of an ancient English institution. Of jury trials Nevill says:

The fairest flower that now grows in ye garden of English men's liberties is a fair tryall by peers or twelve men of his neighborhood, which so much artifice is used by some of this age to pluck up by the roots. Justice ought to be measured by the straight meta-wand of the fundamental laws of England, and not by the crooked lines of

discretion. . . . It is my opinion that a jury of twelve good and honest men of the neighborhood are as good judges of the equitable sense of the law and the intent and meaning of the law-makers as they are of the letter of the law.

There is a touch of Blackstone in this critique, a flavor of sturdy independence in a desire to submit to one's peers the question at issue and a willing determination to abide by the decision. Scarcely had Thomas's "Account" been given to the world ere there arrived in New Jersey Roger Mompesson, first colonial chief justice, who in spite of his political complications with the infamous Lord Cornbury merited Logan's praise that "Mompesson is ingenious, able, and honest."

Whatever may have been the uncertain status of lawyers, it is true that the Legislature took cognizance of the actual or future presence of members of the profession.

As early as October, 1676, the question of admission to the bar was made the subject of legislation by the East Jersey Assembly. The first restriction excluded justices of the peace, who were prohibited from appearing as attorneys or advocates. They were further estopped from drawing declarations except for the King, the Lord Proprietor, their own cases, or in suits previously instituted. In 1677 these exceptions were enlarged by permitting the justices to appear as attorneys in "foreign negotiations."

An act of 1694 extended the provisions of the statute of 1677, embracing sheriffs, sub-sheriffs, court clerks, commissioners, and messengers of the courts of small causes, and heavy penalties were provided for violations of the act. The whole matter of admission to the bar, so far as East Jersey was concerned, was reached finally in the eleventh instruction to the erratic Governor Jeremiah Basse, who, under date of April 14, 1698, was directed to consent to the passage of an act prohibiting any attorney from practicing unless admitted by His Excellency's license.

In West Jersey lawyers were mentioned in the twenty-second chapter of the Concessions and Agreements of March 3, 1676. It is therein provided that no person or persons should be compelled to fee any attorney or counsellor to plead his or their cause. All persons should have free liberty to plead their own causes if they so desire. This provision from the fundamental charter of the province was confirmed later by an act of Assembly approved January 15, 1681. The Fundamental Constitution of East Jersey, in 1683, contained a similar clause.

It will be noticed that these provisions are limited in scope and apply only to a litigant who desired to appear in court *per se*, but that in all other cases the retaining of counsel was recognized as a part of the legal system of the two colonies.

The union of 1702 brought system out of judicial chaos. The bar of New Jersey became established upon a sure foundation, reinforced by able men from Pennsylvania and New York. Attorneys were first admitted upon motion, then a plan of examinations in open court before the justices of the Supreme Court in banc was formulated, applicants were recommended to the governor for license, and finally, a half century before the Revolution, these methods of admission were so firmly fixed that subsequent changes have been few and infrequent.

Often practicing at the early colonial courts were men of unsavory reputations. Like all new settled communities, the Jerseys were in a condition of unrest. Then no person of local influence had been born upon this side of the Atlantic. Religious and economic considerations had moved men to leave their homes over sea, and in the tide of immigration the foam and froth came to the surface. Men of bubble reputation danced upon the wave, sought and often secured place and preferment. Quit-rent contests, suits growing out of proprietary grants, litigation arising by reason of more extended domestic and foreign trade were some of the reasons that made the Jerseys attractive to those who hoped to gain prominence by extreme partisanship.

Men of this calibre appeared, at times, before

the East and West Jersey courts, whose jurisdictions and powers were loosely defined. Such recognition, when received, was used as a basis for personal advancement. Without education or position necessary to admit them to the English or Scottish bar, America offered a fertile field for all such adventurers. Nor can it be denied that such self-styled lawyers were the direct cause of the legislation already mentioned.

Following this formative period there appeared worthy men in the community, men of more than ordinary parts, who, by reason of merit, rose to distinction. Some indeed occupied places upon the bench, although they had never read law nor been admitted to the bar. An examination of the "Rules of the Supreme Court" covering the colonial period discloses the remarkable fact that from 1704 to 1776 only two chief justices of New Jersey, of eight persons who held that office, were licensed attorneys by the courts of the province. A notable illustration of the lay element in the chief justiceship is to be found in the person of William Trent, a merchant, who moved from Philadelphia to the highland south of the Assanpink Creek and gave his name shortly before his death, in 1724, to the city of Trenton.

The associate justiceships during that period were occupied by twenty-two individuals, of whom only three had been admitted to the bar of

New Jersey. Of the three Charles Read and Richard Saltar were both admitted, each upon the day he was elevated to the bench. Richard Stockton, of all the associate justices between 1704 and 1776, appears to have been the only enrolled New Jersey practitioner of law. The lay element also appeared during and after the Revolution, prominent among the non-professional associate justices being Samuel Tucker, elected in 1776, Isaac Smith in 1777, John Cleves Symmes in 1777, John Chetwood in 1778, and William Rossell in 1804.

During the colonial period, of the attorney-generals holding office in New Jersey several were laymen. It was not until 1723 that James Alexander, the first New Jersey lawyer, was appointed, he being admitted to practice upon the day he received his commission as attorney-general, the same being true of his successor, Lawrence Smith. Joseph Warrell and Cortlandt Skinner, who complete the list, were both members of the New Jersey bar.

During the eighteenth century much of the history of New Jersey is interwoven in the records of her Supreme Court, which had its actual beginnings in the Ordinance of Lord Cornbury. The partial failure of the courts of the proprietary governments to administer justice, the uncertainty of correct practice, the undefined jurisdic-

tion of the earlier tribunals, led to popular discontent and contempt.

To alter such a situation, to show the colonist that the sceptre was held in firm hands, the Supreme Court of the Province of New Jersey was established in 1704, with far reaching power over the lives and liberties of those within its jurisdiction. Modeled upon the Courts of Queen's Bench, Common Pleas, or Exchequer, its practice conformed to existing English standards, and thereby secured the right of trial by jury, except in confession or in non-appearance. It was provided that the court should sit with two sessions yearly, alternately at Burlington and Perth Amboy, with circuits, held once a year in each county, by one of the justices of the main court, assisted by two or more justices of the peace in the county where the circuit was held. Inferior courts of common pleas and general sessions of the peace were organized in each county. Nor was the matter of appeal from the finding of the Supreme Court neglected, for under the Queen's instructions to Lord Cornbury any judgment for over £100 could be carried to the governor and his council, who sat as a court of final resort. Appeals lay from the governor and his council, in judgments of over £200, to the Queen and her Privy Council.

The colonial Supreme Court of New Jersey was the embodiment of an aristocratic sentiment. Dig-

nified and stately, no haste characterized its proceedings, its grand jurors were selected from the most worthy citizens, its constables stood in proper awe, its justices sat in state, and its attorneys paid it respect. There was no lack of impressiveness in the sessions of this tribunal. In the old court houses of the former provincial capitals, behind the oak bench, sat the chief justice and his associates, bewigged and stern. Below them stood the clerk, holding in his hand the vellum-bound minutes stamped in gold with the royal arms. Constables, carrying their staves of office, passed among the audience or bowed to the lawyers, who, tradition says, wore gowns while in the judicial presence.

The hour is eight in the morning in Burlington as the crier, upon the 6th day of November, 1704, in deep bass makes this first proclamation :

Her majesty's judges and justices of her Supream Court holden for this her province of New Jersey doe charge and command all manner of persons to keep sylence and heare her majestys com'cons openly read on paine of imprisonment. All manner of persons that will sue or complaine or have any thing here to doe at this Supream Court holden here this day before her majesty's judges and justices for this Province of New Jersey draw neare and give your attendance and you shall be heard.

GOD SAVE THE QUEENE.

Occasionally, however, the sessions of the court were interrupted by matters beyond the regulation of the tribunal. Thus in the latter part of

1731 the smallpox raged in Burlington. Upon the minutes of the court is spread at large an entry to the effect that, hoping to prevent a spread of the epidemic, and "for divers other Considerations tending to the Good and publick weal," all pleas, writs, bills, processes, and precepts returnable in November term be adjourned to the following February term. Again, upon the 15th of March, 1747-48, the Supreme Court sat in the house of James Willson, on the south side of the Raritan River, for the reason that the chief justice could not cross to Perth Amboy, "the Wind being so boisterous." Still later the court was moved to places of security owing to the exigencies of the Revolutionary War, having no permanent habitation until it was finally lodged in Trenton when that city was made the capital of the State.

In August, 1762, owing to a variety of seals of the Supreme Court being in use, a rule was entered making uniform practice in the matter. As the replica of the original seal is still in use the rule possesses a particular interest:

WHEREAS, Several Seals have been lodged in different Counties of this Province, as Seals of this Court, the same being of Different Sizes and making Different Impressions, whereby great Confusion may arise by the Uncertainty as to the Process of this Court and Difficulty will Attend the Detection of Fraud in the Issuing of Contempt in the Misapplication thereof; and whereas such Seals have been intrusted in the hands of Particular Persons without any

Regular Appointment for that Purpose, or even an account taken how many Seals were given out or in whose hands they were Lodged, for Preventing all which for the future, it is ordered that the Seals, the Impression whereof is in the margin [being a Port Cullis with the following words Round it "The Seal of the Supreme Court"] be for the future the Seal of this Court, and that no Seal with any other Impression be used as such, and it is further ordered that no Person do Presume to Use the Seal of this Court, for the Sealing of any Writ, Process or other Instrument, but only such who shall be appointed by Instrument under the hand and seal of the Chief Justice for the time being.

Upon the 18th of March, 1762, the Supreme Court had established a precedent for such a rule in the adoption of an order to the effect "that all persons Posses'd of the Seal of the Supreme Court of this Province do deliver the same to the Chief Justice by the First day of Term," which order was obeyed upon the 15th of May by several members of the bar. It was further ordered that all who had seals undelivered should show cause why attachment should not issue for contempt.



THAT holy and solemn estate wherein man taketh woman to be his lawful wedded wife until death them do part—or otherwise—was the subject of due concern on the part of the colonists of New Jersey. Neither the Calvinist nor the Quaker looked upon marriage as a divine sacrament, yet both were rigid in contending that such an important civil contract should not be entered into lightly, nor should neglect be made in preserving the record of so momentous an event.

Superficialists have brought the charge against some of the settlers of East Jersey that the Scotch emigrants regarded leniently those “common law” marriages sometimes contracted among servants aboard ships destined for Perth Amboy and Elizabethtown. An examination of the facts relating to the eastern division shows the unfairness of such a charge. In 1669 a certain marriage in East Jersey was declared unlawful by order, the parties being well known in the province; while during the year 1675, to properly regulate marriage, a legislative act directed each town clerk, under penalty, to provide a record book for registering all marriages, together with births and deaths, a like plan being provided by the “Fundamental Constitutions” of 1683.

The Legislature of May, 1668,—the first to as-

semble in East Jersey,—contained men who were earnest in their endeavor to give proper sanction to the marital affairs of the colonists. The act passed at that session is a direct refutation of any laxness in the matter, the statute directing that no person or persons, son, daughter, maid, or servant, should be married without the consent of parents or masters. The intent of the parties to marry was directed to be three times published in some public meeting or “kirk,” or set up in writing for fourteen days on some public house. Ministers, justices of the peace, “or some chief officer” were authorized to perform the ceremony, or the governor could grant a license to persons “at their own disposing,” or to minors when their parents or masters had given consent. In November, 1675, this law was reënacted.

The careful attention paid to the publishing of the banns and the necessity for a license did not sit lightly upon the minds of the members of the Society of Friends, who possessed influence in the eastern board of proprietors, and who demanded a more liberal marriage act, particularly as to the provisions regarding any solemnization in a “kirk.” To that end the twentieth chapter of the “Fundamental Constitutions” of 1683 enlarged the act, making the new statute “agreeable to men’s different persuasions in religion.” This chapter provided that all marriages not forbidden

in the law of God should be esteemed lawful, when solemnized before credible witnesses, by taking one another as husband and wife, and a certificate thereof being properly registered.

Exceptions made in the case of the Society of Friends, and the simplicity of their marriages, led to irregularities among some not members of that faith. The right was claimed by individuals that they were not amenable to the law, and that if the Quakers had neither banns nor licenses they, too, were exempt. To remedy this certain evil an act of October, 1693, imposed a penalty of £10 upon ministers and justices who joined parties without publishing the banns or securing the governor's license.

Nor were the authorities in East Jersey less careful in punishment of those who violated marital rights and obligations. The Legislature in May, 1668, enacted that adultery should be punished by divorce, whipping, or banishment. In the restrictions precluding a man from becoming a member of the "Great council" under the "Fundamental Constitutions" of 1683 adultery, among other crimes, disqualified a candidate for such an honor. Divorces were granted in a few instances in East Jersey, but the record is incomplete as to statement of operative causes.

The Society of Friends in West Jersey apparently made no provisions relative to the legisla-

tive regulation of marriages. The peculiar customs of their faith left little room for law-making where a population was religiously homogeneous.

As a natural conclusion divorces were practically unknown in the western province, the courts seeking to unite man and wife at variance rather than permanently to separate them.

The Burlington court book supports this statement in an entry showing that some time before 1694 Thomas Peachee and Mary, his wife, had agreed upon a separation. To effect a reconciliation the Quaker justices at Burlington summoned them into court, asking them if they were not willing to live together. Mary agreed, and so did Thomas, he stipulating that Mary "will acknowledge shee hath scandalized him wrongfully." To this the woman consented, adding an expression eternally feminine: "But saith shee will not owne that she hath told lies of him to her knowledge." At this point the negotiations naturally came to a standstill. "But after some good admonitions from ye Bench," says the record, "They both p'mise they will forgett and never mention what unkind speeches or Actions have formerly past betweene them or Concerning each other. * * * Hee, s^d Thomas p'mises, shee behaving herselfe, with tenderness and love to him, hee will remaine as a Loveing and a Carefull Husband to

her and make ye best p'vision for her and ye Child that hee can."

For the crime of adultery, however, even the forgiving Quakers were by no means lenient. Upon the 14th day of March, 1682, there appeared before Justice Cripps at Burlington one John Carter and a certain Lydia, who claimed that they were married at the house of Samuel Groome, of Elizabethtown, "before ye people called Quakers." It appears upon the examination of another witness that Lydia was the wife of one Tod, of that town, and, probably tiring of the company of her true and lawful spouse, had eloped with Carter. In the meantime Carter, finding that the weight of testimony was piling upon him,—adopted a policy sanctioned by the greatest antiquity, confessed his fault, and "wishes that the said Lydia was at home with her said husband." Such lack of gallantry cost Carter dear, for upon the 22d of March Governor Jenings, with Justices Stacy and Cripps, ordered that, "by the tenth hower in ye morning," the culprits "be whip^d on their naked bodies," Carter to receive thirty stripes and Lydia thirty-five stripes, that Lydia be sent back home and Carter be kept in jail one day after the woman left and then be "dismist, paying ye ffees."

After the union of 1702 the instructions to Governor Cornbury, given at the Court of Saint

James, November 16, 1702, vested in that personage the granting of marriage licenses as well as the collating of benefices and the probating of wills. All other ecclesiastical jurisdiction concerning the state establishment of the Church of England in the colony was lodged in the Lord Bishop of London. Lord Cornbury was further directed to take especial care that a table of marriages, established by the canons of the Church of England, be hung up in every orthodox church and duly observed. The governor was also enjoined to secure the passage of an act for the observance of this table—a matter never accomplished, owing to the strenuous opposition of the nonconforming members of the Assembly during his administration.

By far the most important statute regulating marriages in New Jersey was that passed upon the 27th of March, 1719, an act remaining unaltered for over eight decades. This law was aimed at the prevention of clandestine marriages, and found its reason for existence in the fact that “young persons have been * * * enticed, inveigled, led away and clandestinely married” to the ruin of the parties and the great grief of their parents and relations.

The act provided that no persons under the age of twenty-one should be married without the written consent of parents or guardians, which con-

sent was to be duly filed and registered in the office of the provincial secretary. Heavy penalties were imposed upon license-issuing officers deputized by the governor when licenses were issued without such parental consent. A forfeit of £200 was placed upon ministers and justices who united persons in marriage without having first viewed the consent. Any person under age applying for a license and offering the certificate of consent was required to prove the same on oath or affirmation. A bond was given to the governor in the penal sum of £500, conditioned upon a full observance of all the requirements of the statute. The bond could be prosecuted by parents or guardians upon their giving security for costs. The statute further provided that persons could marry by advertisement of intention, in which case a license was not required. Upon production to the county clerk of a proper certificate signed by parents or guardians, and giving bond, the clerk was directed to post at three public places in the county such intention, setting forth the names and abode of the parties desirous of entering the nuptial state. Parents or guardians could enter dissent during the space of twenty-one days, and a penalty of £500 was imposed upon clerks giving certificates while cognizant of such dissent.

The statutes of Great Britain regulated the de-

degrees of affinity or consanguinity observable in New Jersey.

Members of religious societies were permitted to marry according to the rules and customs of their societies, provided the consent of parents or guardians was first obtained.

The effect of this legislation was extremely salutary, as the long period of its unchanged operation shows. While the law-making body could not prevent all clandestine marriages, the heavy penalties of the statute restrained men from carrying away young girls from both East and West Jersey, a practice which, owing to the nearness of settlements to the Hudson and Delaware Rivers, had early become quite common.





IN MAY, 1738, there arrived in America, from England, a young man, scarcely twenty-four years of age, who was destined to play a most conspicuous part in the religious history of the colonies, particularly in New Jersey. A religious enthusiast, an associate of John and Charles Wesley, the founders of Methodism, this remarkable evangelist has left an imperishable name—George Whitefield—upon the annals of Christianity.

Whitefield's first work was in the establishment, in Georgia, of an orphan house, "Bethesda," under the direction of Oglethorpe and the Wesleys, who were then working out the philanthropic ideals upon which the colony of Georgia was founded. Returning to England, he secured funds for his institution, and in a short time appeared again in America. Fired with his purpose to preach the gospel, he rushed like a whirlwind through the colonies, not only once but many times. In November, 1739, he appeared in Philadelphia, where, from the court house gallery, he preached to six thousand people, "who stood in awful Silence to hear him." In a few days he appeared in Burlington and New Brunswick on his way to New York, where a concourse of three thousand people assembled such as was never before known. Returning to Philadelphia, he again addressed the people at Elizabethown, New

Brunswick, and Maidenhead, and thence to Georgia, where in March, 1740, he laid the cornerstone of "Bethesda."

George Whitefield at once returned to New Jersey. During April he collected seven thousand people in New Brunswick, where there were "great Meetings in the Congregations." Of this meeting Whitefield says in his journal: "God's power was so much amongst us in the Afternoon Sermon that had I proceeded the Cries and Groans of the Congregation would have drowned my voice. One Woman was struck down." During the preceding week Whitefield had preached at Greenwich, Gloucester, and Amwell in West Jersey, and during the same week he addressed vast audiences at Woodbridge and Elizabethtown.

Associated with George Whitefield was the Rev. Gilbert Tennent, eldest son of the Rev. William Tennent, founder of the famous "Log College." Attracted by the boldness of Whitefield's style and greatly impressed by the intensity of his religious life, Tennent accompanied Whitefield to Boston. Following their passage through the colonies swept a wave of intense religious excitement. At the same time Gilbert Tennent had preached a sermon, "The Danger of the Uncoveted Ministry," which was so abusive that the Presbyterian Church divided, and the old and new side parties came into existence.

Around Whitefield, Tennent, and their associates the thunders of religious controversy rolled. Hated and revered, defied and worshiped, these remarkable men gave to the church in the colonies a new impulse. Whitefield himself, in the height of his enthusiasm, disagreed with Wesley on doctrinal points and placed himself without the pale of the discipline of any denomination. Tennent, however, remained with the Presbyterian Church. He soon established a congregation at New Brunswick, from which many disciples went abroad throughout the country.

The contributors to the Boston, Philadelphia, and New York newspapers of the period were either intensely bitter or filled with admiration concerning the propagandists. In language far from respectful or even decent the vials of wrath were poured upon the heads of these two men, upon their converts, and particularly upon "Bethesda." In reply were printed letters filled with unstinted praise, of earnest hope for a further revival in religious affairs, and of the possible glory of a regenerated popular life. Doctrinal issues, personal malice, rumor, and abuse were thrown into the controversy.

The colonies never had such an experience, nor were they destined to have another. In the wake of the revivals went up the shouts of the converted, the cries of those who had not availed

themselves of present opportunities. Men dreamed and saw visions, after they had fallen upon the ground, so powerfully had they been moved by the preaching of the associates. Thus for nearly if not quite a decade the spirit of the new movement seized the people. Whitefield continued his ministry, crossed and recrossed the Atlantic, spoke in many places and at many times in New Jersey, ultimately dying in 1769.

In the colony and State of New Jersey the influence of the preaching of Whitefield long affected the current of religious thought. It breathed new life into Presbyterianism and prepared the way for the establishment of the Methodist Episcopal Church. To education it gave an impulse and led to the furtherance of a plan for a trained ministry. The subtle influences which exist between freedom of religious and political thought found expression, and showed men that the meeting house must be vitalized as well as the State. Stripped of some of its doctrinal absurdities and all of its unfortunate quarrels, the Whitefield movement remains the most striking in the religious history of colonial times.

Of the eminent members of the Society of Friends, whose public ministrations formed so important a part of the religious life of the colony, none enjoyed a more distinguished position than did John Woolman. Of him memorials are few,

chief among them being in a quiet corner of Bishop's Hill burying ground, in the ancient city of York, Old England, where stands a plain sandstone slab, about two feet in height. Carved thereon in letters darkened by age are these simple words:

Near this Place
JOHN WOOLMAN
of Mount Holly
New Jersey, North America
Died 7th of Tenth Month 1772
Aged 52 Years.

Born of emigrant Quaker parentage, who had settled in the Rancocas Valley, John Woolman inherited intense religious impulses, which he early and assiduously cultivated. Drawn toward the teachings of the meeting as a child and young man, he was much impressed by the faith of his fathers. It was a day of dogmatic assertion, of narrowness in belief, yet such was the breadth and nobility of his mind that, although he was a strict member of the Society of Friends, he was free from the self-righteousness so characteristic of the age. In his journal he shows himself singularly clear from the assumptions of creed when he says: "I found no narrowness respecting sects and opinions; but believed that sincere upright-hearted people, in every society who truly love God, were accepted by Him."

The life of this remarkable man, as told by himself,—a life so far reaching in its influences,—shows that as a boy he “wrought on his father’s plantation” until 1741, when he became a book-keeper and clerk in a store in Mount Holly. Here, in accordance with the customs of the Society of Friends, John Woolman learned the tailoring trade, opening a school for poor, neglected children in conformity to his often expressed sentiment: “It is a lovely sight to behold innocent children,” and that “to labor for their help against that which would mar the beauty of their minds is a debt we owe them.”

From the expression of such sentiments, with the widely accepted view in the Society that the preacher is himself a teacher, John Woolman, at the age of twenty-three, entered on his public ministry. He first visited East Jersey. In 1746, in accordance with the customs of travelling Friends, he went among the meetings of Virginia, and in 1763 established himself as a preacher of power to Indians of the frontier settlements of Pennsylvania. In the meantime John Woolman continued his work in West Jersey and in Philadelphia, while in 1772 he embarked for England, dying in York, from that dread disease, the small-pox. Thus ended the brief career of a man whose name throughout the colonies was a household word.

So far as the routine of his life was concerned it was simplicity itself. Born on a plantation, he became a merchant and school teacher in a provincial village, entered the ministry, traveled through the colonies, and died in England. There is scarcely a dramatic incident, scarcely an event of striking importance. But John Woolman's power consisted not only in preaching the doctrines of the Society in their original purity, but in exemplifying in his own life that which he taught and believed. This may be illustrated in a single instance.

In a community where the art of writing was less practiced than it is to-day John Woolman drew the wills of his associates. Profit came to such scribes, yet he steadfastly refused to write any will in which the right of holding human beings as personal property was acknowledged. And this was at a time when slave owning, although discountenanced by the meetings of the Society, was common among the most influential members of the sect.

To understand properly the type of mind of John Woolman one must revert to his writings. John Woolman made no novel declaration of faith, yet so clear, so logical, were his statements, crystallizing the best of Quakerism, that his journal, breathing the spirit of the nobility of his character, reads like a new dispensation. Woolman

believed that true religion consists of an inward life, wherein the heart loves and reverences God the Creator, and learns to exercise true justice and goodness, not only toward all men, but also toward the brute creatures; that as the mind is moved by an inward principle to love God as an invisible, incomprehensible Being, by the same principle it is moved to love Him in all His manifestations in the visible world; that as by His breath the flame of life is kindled in all animate sensible creatures, to say we love God as unseen, and, at the same time, exercise cruelty toward the least creature moving by His life, or by life derived from Him, is a contradiction in itself.

Such an enunciation, free as it was from theological sophistries, John Woolman sought to apply to certain evils then existent. His was an objective as well as a subjective life, and, recognizing needed reforms, he strove to apply these ethical principles to the betterment of social conditions. Of all these reforms the wrongs inflicted upon slaves—even slavery itself—were closest to his heart. In this regard John Woolman may indeed be said to be the apostle of the abolitionist movement in America. Taking for his text that, in accordance with the Divine Plan, all abuse and oppression of human and brute creation must cease, he fearlessly preached this doctrine, not only in New Jersey, where slave own-

ing was recognized, but in Virginia, where the institution was the very basis of the social and economic life of the commonwealth. In New Jersey, while slave owning was not particularly profitable, the keeping of human beings in bondage was recognized by the law and practiced by members of the Society in common with adherents of other religious denominations. To relieve these men in bondage, to give them personal freedom, was the aim of this man, who paved the way for Benezet, Garrison, and Brown, and furnished to the abolitionists and free soilers of later days arguments the truth or falsity of which were tried in the furnace of civil war.

Another subject upon which John Woolman often gave testimony was the matter of liquor drinking among those of wealth, who drank, as he said, in accordance with social customs, and among the poor, who were driven thereto by immoderate labor. Although not a prohibitionist, for he says there is "too liberal use of spirituous liquors * * * the greater part of which we should have no use of," he urged the greatest moderation; portraying the disasters of those who become enslaved to ardent spirits.

In his own life John Woolman was the model of that self-denial which he so earnestly besought others to adopt. He wore plain clothing, the woolen white, the linen flax, avoided the use of

plate and costly furniture, believing luxury and superfluity to be the ground of much human suffering and of untold evils. He argued that such things tended to effeminate the mind, and that thereby the strength of the body was weakened.

John Woolman's mercantile career gave him an opportunity to examine with care the current credit system in store keeping, a practice which gave him much concern. To aid the poor, who were the most greatly affected by the extension of credit, John Woolman sold his goods at small profit and urged his buyers to purchase only what they needed and to "keep within their means."

This striking instance of his devotion to principle appertains to yet another subject close to his mind during his ministry. The French and Indian War brought a new problem to John Woolman. He believed, with other members of the Society, that war was inconsistent with the purity of the Christian religion. He, in 1758, was directed to quarter two soldiers, which in obedience to civil authority he did. But when pay for the soldiers' board was offered he refused the stipend on the ground of passive submission to the law of the land.

Turning to the man himself, tradition says that he was an orator of unusual power, yet such was his modesty and desire to teach pure wisdom with-

out recourse to human arts that he stifled his gift. He says upon one occasion that he saw more than was required of him, which "taught him to feel that rise which prepares the creature to stand like a trumpet, through which the Lord speaks to His flock." But whatever may have been his manner of speech the testimony of the Burlington Monthly Meeting says "his ministry was sound, very deep, and penetrating," both in exhortation and admonition.

No portrait of John Woolman is extant, so far as known, and it is likely none was ever painted, as portraiture was not only almost unknown in the colonies, but was held in disfavor among the members of the Society in that day. Tradition has it that he was of an attractive personality and of excellent presence.

To the world John Woolman is best known through his journal, first printed in Philadelphia in 1775, many times reprinted in Dublin, London, and elsewhere abroad, the edition of 1871 containing an appreciative biography by the poet Whittier. Not only as a theologian but as a stylist John Woolman deserves the highest rank among American writers. In "Elia" Charles Lamb—that lovable soul who was surely attracted by such a man as John Woolman—says: "Get the writings of John Woolman by heart and love the early Quakers." Channing's enthusiasm

concerning the journal is even more pronounced when he calls it "the purest and sweetest of all autobiographies." To Henry Crabb Robinson Woolman was a "Christian all love" with "a style of the most exquisite purity and grace." It is said at one time the journal was used as a textbook at Princeton College.

Nor was the journal the only product of this master mind. The width of John Woolman's interests may be judged from the titles of but three of his other published works. Thus in Philadelphia there came from the press in two parts (1753-1762) "Some Considerations on the Keeping of Negroes," which in 1768 was followed by "Considerations on Pure Wisdom and Human Policy, on Labor, on Schools, and on the Right Use of the Lord's Outward Gift." Two years later there appeared "Considerations on the True Harmony of Mankind; and how it is to be maintained." This remarkable collection of "Considerations" was succeeded by "An Epistle to the Quarterly and Monthly Meetings of Friends," published in 1772. Appearing, as it did, during the intensity of the political discussions of the time, neither it nor a posthumous work, "Serious Considerations on various Subjects of Importance, with Some of His Dying Expressions," printed at London in 1773, attracted as much attention as some of his earlier works.

The reputation enjoyed by John Woolman among the members of his Society has been enduring. In becoming the exemplar of the doctrines of the Quakers, in "living the life," he strove for the betterment of his fellowmen, not only by his example, but by precept.

By a somewhat strange coincidence the ministerial labors of Whitefield and Woolman, both working toward a common end by such radically different methods, came to a close about 1770.

An inquiry as to the relative strength of the various religious denominations in New Jersey during this period may be profitably made. From Samuel Smith's "History of the Colony of Nova Cæsarea or New Jersey," published in 1765, a tabulation has been prepared which shows the distribution of denominations throughout the colony.

The Presbyterians in East Jersey, including Hunterdon and Morris Counties, had forty-one churches, and fourteen in West Jersey, though their influence in the western division was largely confined to limited areas in Gloucester, Salem, Cumberland, and Cape May Counties.

The Society of Friends had in West Jersey thirty meeting houses, one in Sussex, three in Monmouth, and four in Middlesex. There were meeting houses in Essex County, in Rahway, and

in Plainfield, but in Somerset and Bergen Counties they had no houses for worship.

The Episcopalians had twelve churches in East Jersey and nine in West Jersey, being unrepresented in the Counties of Somerset, Bergen, Cape May, Morris, and Sussex.

Of the other faiths the Baptists had nineteen meeting houses, evenly distributed throughout the province, possessing strength in Monmouth County, but having no congregation in Morris or Bergen. The Seventh Day Baptists had two churches in Middlesex and Cumberland, while the Anabaptists sustained a congregation in Morris County, as did the Separatists and Rogerines.

The Low Dutch Church had seven meeting houses in Bergen, five in Sussex, five in Somerset, two in Essex, one in Hunterdon, and one in Middlesex; while the Dutch and German Lutherans had six congregations in Somerset, Bergen, Hunterdon, Sussex, and Salem Counties. There was also a congregation of German Presbyterians in Hunterdon County, while in Gloucester there existed a Swedish church and a Moravian mission.

There were thus in New Jersey about one hundred and sixty meeting houses, distributed among a dozen denominations. Of these about thirty-three per cent. were in the possession of the Presbyterians, about twenty per cent. in the hands of the Society of Friends, thirteen per cent. were

owned by the Episcopalians, and about twelve per cent. under the control of the Baptists. The remainder, about twenty-five per cent. of the one hundred and sixty houses of worship, were largely owned by the Low Dutch and the Dutch Calvinists.

The Dutch church at Bergen, organized in 1660, is the oldest in the State. The Old Tennent Church, near Freehold, claims to be the mother church of the Presbyterian denomination in America. The first Universalist Church in America was formed in Monmouth (now Ocean) County.

The meeting houses of all the denominations were plain, substantial buildings, erected of whatever material was commonly used in the communities where they stood. Little or no attention was paid to adornment; austerity was truly as much an architectural as a religious merit. All had benches of relative hardness, all were fireless in winter, and all provided sheds for the care of the horses of the congregations. Most meeting houses were located at points central to farming communities, which placed them upon well travelled roads. Services were conducted with the greatest decorum, although before and after the sermon, which was usually doctrinal and was consequently the momentous event of the day, the congregations assembled to discuss matters of interest to themselves and to their neighborhoods.

Whatever may have been the differences among the faiths as to forms of worship, this custom was general among them, even among the Society of Friends, where the men and women were separated during the hours of meeting. Nor did music play any prominent part in the Sunday services, except in the Episcopalian churches. Among many of the Calvinists, and particularly among the Quakers, music was not permitted.

Around all the churches were the graveyards, where were buried those faithful to their religious vows. Throughout the colony plantation graveyards were common, many preferring to be laid away near their homes than under the shadow of the meeting houses. The graveyards were, however, as in all new communities, neglected.

THE origin of schools within the State of New Jersey may be traced, with a great degree of certainty, to the advent of the Hollanders and the Swedes. In the development of the settlements of these two nationalities a familiar, almost necessary, relationship existed between the schools and that other agency of civilization, the churches. In communities where the struggle for existence was bitter there were few, if any, who had either time, experience, or inclination to teach the young. To the minister, in the discharge of his duties, this task naturally fell, not only on account of his superior mental advantages, but because the current view of education itself was that it was religious rather than secular.

As early as 1633 there was founded in New Amsterdam the Collegiate Church School, which gave secular instruction to the youth of the town, and may have had among its students youths from the western shore of the Hudson. In 1647 Director Stuyvesant wrote to Holland asking that there be sent to his colony a "pious, well qualified, and diligent Schoolmaster," while in 1658 a Latin school in New York had among its pupils young men from the Hudson River settlements as far as Albany and from distant Virginia.

But it was in 1664, in the village of Bergen, that the first school of which authentic record exists

was established within the limits of New Jersey. Of this institution of learning Engelbert Steenhuysen, church clerk, was master. From eight o'clock in the morning until eleven in the forenoon, and from one o'clock until four o'clock in the afternoon, he taught reading, writing, and spelling, and even arithmetic when the maturity of the child-mind permitted such an intellectual pursuit.

Upon the Delaware the Swedes made brave attempts toward the proper instruction of the children of the community. In their churches at Tinicum, New Castle, Christina, and Wecaco, upon the west bank of the Delaware, tradition and record show that the minister was also a schoolmaster, or had an assistant who performed such duties while acting as clerk, reader, and comforter of the sick. Such was the custom in Sweden, and, as Wickersham points out, this educational policy was undoubtedly transferred to the Zuydt Riviere.

That the ministers of the Swedish church visited the scattered settlements on the New Jersey shore of the Delaware is known, and that secular instruction was then given is extremely probable. But in the hopelessness of Sweden's attempts to colonize New Jersey these efforts to teach were necessarily abandoned, and the younger generations were left, in New Jersey, to secure instruction as best they could.

In both New Netherland and New Sweden the range of instruction was necessarily limited. Under direction from the home governments, and under natural impulse, the ministers sought to preserve the use of the language and church customs of their respective nations. In this the Dutch were as singularly successful as the Swedes were unsuccessful. Instruction by means of the catechisms and the Bible was a common method of teaching, while the rudiments, a little Latin, and, mayhap, Greek, completed the curriculum. Such scientific knowledge as the Old World possessed did not reach the shores of New Jersey except in a diluted form. In such instruction there was danger of witchcraft.

When the Scotch and English Calvinists came to East Jersey there came into the colony that type of school famous in the early annals of New England. While not so highly intensified as in the more northern colonies, the East Jersey school was distinctively a part of town life, and, as among the Swedes and Dutch, was made a part of the work of the local church. But in addition to this influence government rendered aid. In 1664 Governor Carteret's charter, granted to Bergen, provided for a church and "free school," supported by a tract of land exempt from taxes or other charges. Woodbridge, in 1669, in her charter, was empowered to sustain a school from the

proceeds of certain land "set apart for education," while in 1676 Newark rejoiced in a well-qualified schoolmaster.

In 1693 the East Jersey Legislature provided general legislation upon this subject in a statute which stated, in its preamble, that "the cultivation of learning and good manners tends greatly to the good and benefit of mankind." A town election was permitted whereby three men were to make a rate and establish a schoolmaster's salary. Under this and a subsequent law schools were established, according to collateral evidence, although the records of the institutions are lost.

Instruction in the East Jersey schools was largely of a religious nature. The Bible and the catechism were used as text-books, and these were studied with thoroughness. But little attention was paid to the higher branches of learning, except possibly mathematics and a superficial reading of the classics.

In West Jersey the Society of Friends directed especial attention to the subject of education. Burlington had scarce more than a name before the Assembly, in 1682, passed an act whose design was to encourage "learning for the better education of youth." It provided that a valuable tract of land situated in the Delaware, above Burlington, and known as Matinicunk Island, "remain to and for the use

of the town of Burlington * * * for the maintaining of a school for the education of youth." The revenues, managed by trustees, derived from a part of this island are still devoted to the purpose intended. This is probably the oldest trust fund of an educational character now existing within the limits of the United States.

Possibly the clearest exponent of the Quaker system of education in that early day was Thomas Budd, the author of "Good Order Established in Pennsylvania and West-New-Jersey in America." His plan of instruction, for the time, was comprehensive and, in part, was adopted. Compulsory education, during a period of seven years, at "the publick school," was urged. Such schools, he said, should be set up in all towns and cities, while "persons of known honesty, skill, and understanding be yearly chosen by the Governor and General Assembly to teach and instruct boys and girls." The curriculum embraced reading and writing "true English and Latin * * * and fair writing, arithmetick, and bookkeeping."

The artist-artisan idea appears in embryo. The boys were to be instructed in "some mystery or trade, as the making of mathematical instruments, joynery, turnery, the making of clocks and watches, weaving, and shoemaking." The girls were to be taught "spinning in flax and wool, the knitting of gloves and stockings, sewing and mak-

ing of all sorts of needle work, and the making of straw work, as hats, baskets, etc." Budd also recommended that upon seventh day afternoon (Saturday) religious meetings be held for boys and girls, but with the sexes separate and apart, that the "children will be hindered of running into that excess of riot and wickedness that youth is incident to, and they will be a comfort to their tender parents."

The period following the establishment of royal government, in 1702, was marked by no striking advance in the status of educational life. From the letters of the missionaries sent by the Society for the Propagation of the Gospel in Foreign Parts the undeniable fact is presented that there were many people in New Jersey who were ignorant. The schools established under the influences of the various churches reached out only to the children of members of those creeds. The outward stimuli, which would lead to a desire for mental improvement, were largely wanting in colonial life. No public libraries existed in New Jersey until practically the middle of the eighteenth century, and these were few and feeble. Such books as had been brought over sea were lodged in the hands of the ministry or the landed proprietors, and thus were inaccessible to the mass of the people. Mails were infrequent, the New York and Philadelphia newspapers were of narrow circula-

tion, and were expensive. Even the Bible was not to be found in every house. Children were early taught household duties or made to work at trades or upon the farm. With night came physical tire and lack of artificial illumination. But above and beyond all there was no uniform, permanent system of public instruction stimulated by public aid. Such education as was obtained was usually by observation, by listening to conversations in the public rooms of inns, in attendance upon the trial of causes in court, or "sitting under" the local minister.

Early in the century there grew up the practice of establishing private schools. These were usually held in the house of some prominent citizen, or, it may be, in some crude building erected for the purpose. Here assembled the children of the neighborhood, who received instruction from an itinerant schoolmaster, and who, in rare cases, became a part of the family of his patron, as was customary in the tidewater district of Virginia. Sometimes he "boarded" from house to house. Occasionally the teacher was a college bred man from Harvard, Yale, or later, Princeton; sometimes he was a clever young fellow, seeking a living, and not infrequently he was a Scotch or Irish redemptioner, who, qualified to teach, sold his "time" to some public spirited man that the

cause of "learning and polite manners" might thereby be advanced.

Shifting through the tangled threads of the fabric of colonial life there ever appears the class of men who are to be found in every community. These are the adventurers, glib of tongue, easy mannered, and impecunious. That men of this type taught school in the province is unquestionably true. Outwardly they were genteel, but what with drinking, gambling, dueling, and runaway marriages their course was so corrupt that danger lay in their thoroughly corrupting the morals of the youth. To correct this evil, what was probably the first attempt in New Jersey to formulate a policy of instruction by restrictive action on the part of the general government was adopted. In 1758 Governor Bernard was instructed by the home authorities to prohibit any Englishman from teaching school in the province of New Jersey, except the applicant show license from the Bishop of London. All other persons were required to secure the governor's license—a regulation more honored in the breach than in the observance. Yet the life of the schoolmaster had its hardships, as is shown by an unpublished record of the Supreme Court to the effect that upon the 22d of November, 1773, the justices and freeholders of "Acquackanock," "in the County of Essex," presented a petition to "His Excellency, William

Franklin, Esqr, Captain General and Governor in Chief in and over the Province of New Jersey and Territories thereon Depending in America, Chancellor and Vice-Admiral of the Same," etc.

This formal presentation set forth the facts that David Campbell had for a considerable time resided in Acquackanock while engaged in teaching school, behaving himself as a sober man and diligent in his calling. "But the Confinement of schoolkeeping," say the petitioners, "proving of Late hurtful to his health, and having no Trade to procure himself a living and he being Desirous and we the Subscribers Considering him A person properly qualified for following the Business of A Hawker Pedlar or Petty Chapman, most Humbly Recommend him Beseeching your Excellency to grant him a License for to follow the above Business."

The schools of the period were replicas of the earlier type. The schoolmaster—rarely one hears of a schoolmistress—was monarch of his educational kingdom. Tardiness, failures in recitation, slight insubordinations were met with a liberal application of the rod. Blackboards, maps, reference books, and pictures were unknown. Paper was costly, ink was made on the farm from vegetable products, while the teacher instructed the children in the making of quill pens. In winter the rooms were cold and cheerless, in summer hot

and usually ill-ventilated. Much of the instruction was given by questions and answers, and woe betide the boy who did not learn verbatim his Bible verses, although the master might be redolent with gin when he heard the recitation.

While probably sufficient for ordinary needs, the education of the young men was largely of an intensely practical character. Stress was laid upon what would now be termed a "business course," and as few of the sons of Jersey men studied abroad, or prepared in England for the bar or the ministry, there was but little call for advanced methods of instruction.

But the fate of the daughters was even worse. It may be said that the instruction of females was limited to a bare understanding of the rudiments. Much regret is expressed in late years that the letters of colonial women, of the middle and upper classes, have not been preserved. The reason may be found not in the lack of preservation, but because such letters did not exist. While women were taught to write, few availed themselves, to any extent, of their opportunities. Such letters as have been preserved are largely of a domestic or religious character. Indeed the sentiment was abroad that too much education was not beneficial for women, that a knowledge of books weaned them from the domestic circle, and that their place was in the kitchen or caring for the children. The

selfishness of this view, and the generally subordinate place occupied by women, according to the custom of the time, retarded any great intellectual development. Only among the Society of Friends were women given public position—and then only as approved ministers.

Through the darkness of this period one bright gleam pierces the gloom. This was the chartering of the College of New Jersey (now Princeton University) upon the 22d day of October, 1746. Briefly stated, the organization of the college was due to the intense religious excitement marking the progress of George Whitefield through the American colonies, as well as the crystallization of years of thought, stimulated largely by the attitude of the Presbyterian Church. In Bucks County, Pennsylvania, some years previous to the chartering of the college, the Rev. William Tennent had erected a building called partly in derision and wholly in truth "Log College." Thence went out to the world some who afterward became leaders in the secular and religious life of the colonies.

Tennent and Whitefield united in furthering that remarkable movement which revived, in 1740, the spirit of the Calvinist movement in New Jersey. Already the Presbyterian Church in the colony had divided itself into two elements. Three questions were at issue. These points of differ-

ence, as delineated by the Rev. John De Witt, of Princeton Theological Seminary, were upon the value of religious experiences, of preaching designed immediately to call forth religious confession, and the learning requisite for admission to the ministry. Upon one side stood the distinctively evangelical element led by Tennent, Whitefield, and the "Log College" men; upon the other the conservative element. From doctrinal discussions the contest became personal, and in the midst of this contention the college was born.

One of the earliest patrons of the college, if not its most conspicuous friend in America and in the court of England, was Governor Jonathan Belcher. Among his correspondence has been preserved a letter which gives in a few words a clear exposition of the status of the college in its early days. Writing to his cousin, William Belcher, the following letter was sent to England:

Sr—This is a fine Climate and a Countrey of great plenty tho' but of Little profit to a Governour. The inhabitants are generally rustiek and without Education. I am therefore attempting the building of a College in the province for Instructing the youth in the Principles of Religion in good Literature and Manners and I have a Reasonable View of bringing it to bear.

Burlington N. J.
Sept 17, 1747

I am Sr
Your Friend and Very
humble servant
J. BELCHER.

The new found institution was first established

at Elizabethtown, was rechartered in 1748, was soon removed to Newark, and in 1757 finally located at Princeton, where its most historic edifice, "Nassau Hall," named in honor of William III of England, prince of that house in Holland, was erected.

Throughout the colonial period the college met with success, although the novelty of such an institution awakened some speculation as to its ultimate destiny. From individuals money was collected for its support, and a series of lotteries were drawn at various places which brought to the college additional funds. In 1754 the General Assembly of the Church of Scotland authorized a general collection for the institution; in 1755 Edinburgh's churches contributed toward the education of "Students of Divinity at the College of New Jersey in America"; while during the previous year Mr. Tennent, "Deputy for the College," had collected £1500 sterling in England, books, and mathematical instruments, had visited Ireland for the same laudable purpose, and had interested in the welfare of the college seventy dissenting ministers in London. Although attempts were made to blacken the character of Mr. Tennent and to injure the enterprise the work of the college was continued with unabating energy. A large proportion of the graduates of the earliest classes entered the ministry. Of the six members

of the first class, that of 1748, five became Presbyterian ministers, the sixth being Richard Stockton, a New Jersey signer of the Declaration of Independence. Then follows, before the Revolution, an illustrious list of graduates. To Virginia went John Todd, William Graham, and Samuel Stanhope Smith; to North Carolina Hugh McAden, Hezekiah James Balch, Joseph Alexander, and David Caldwell; to Western Pennsylvania Thaddeus Dod and John McMillan,—to establish and revivify the Presbyterian faith upon the frontier. Dartmouth College, the outgrowth of the Indian Mission School in Connecticut, was stimulated by the exertions of Nathaniel Whitaker; Brown University had its first impulses as the College of Rhode Island under the direction of James Manning; Union College, New York, was the outgrowth of the efforts of Theodore Dirck Romeyn; while Hamilton College, New York, owes its existence to Samuel Kirkland. William Shippen founded the first medical school in America, at Philadelphia, while the second medical college in the colonies was erected in New York by James Smith and John V. B. Tennent. Hampden Sidney College, Virginia, had for its first president Samuel Stanhope Smith. In North Carolina the Queen's Museum, twice deprived of its charter, and where sat the delegates to the Mecklenburg convention, the leading spirits of

which were Princetonians, was founded by Joseph Alexander.

Nor were the early graduates of the college less famous in secular life. Dr. William Burnet, an early president of the New Jersey Medical Society; Colonel Nathaniel Scudder, of Monmouth County, the only member of Congress killed in the Revolution; Jonathan Odell, rector of Saint Mary's, Burlington, the Tory satirist; the distinguished patriot of Newark, Alexander Macwhorter; the Rev. William Tennent, Jr.; Dr. Benjamin Rush, of Philadelphia; Rev. Jonathan Edwards, Jr.; Luther Martin, attorney-general of Maryland during the Revolution; Colonel Francis Barber, of Elizabeth, New Jersey; William Churchill Houston, five times member of Congress from New Jersey; Senator Frederick Frelinghuysen, of New Jersey; Gunning Bedford, governor of Delaware; Philip Freneau, the poet of the Revolution; President James Madison; United States Attorney-General William Bradford; Vice-President Aaron Burr; Rev. Philip Vicars Fithian, of Cumberland County, New Jersey; "Light Horse Harry" Lee, of Revolutionary fame; Governor Aaron Ogden, of New Jersey; and Chief Justice Andrew Kirkpatrick, of New Jersey, embrace but a part of the names of men who, between 1748 and 1775, received their degrees from the college.

In the exciting times marking the opening of

the Revolutionary War a further attempt was made to establish a college in New Jersey. The movement was led by the ministry of the Reformed Dutch Church, and in 1766, under royal charter, Queen's College, now Rutgers College, came into existence. Owing to legal difficulties and lack of immediate support a second charter was granted the college in 1770. As was the case in the establishment of the College of New Jersey a contention arose between the liberal and conservative elements in the church. Consequently the ministers and congregations, who took part in the movement, were divided into two parts. Both the Coetus, or progressive party, and the Conferentie, or conservative element, agreed upon the need of an educated ministry. The main part in difference was the advisability of separating the American churches from those in Holland. As stated by the Rev. David D. Demarest, this involved the problems of ministerial training, licensure, and ordination, particularly as there were in New Jersey more churches than there were ministers. A battle royal was waged, with the result that it was decided to establish a school in New Jersey. Hackensack and New Brunswick contended for the prize, and the latter city, owing to the amount of her subscriptions, won.

Scarcely had the church become established ere the Revolution broke in all its fury. Unable to

withstand so severe a test, the career of the college was beset with difficulties, and it was not until 1808 that Rutgers was able to sustain successfully her position. The history of the college therefore properly belongs to a later period.

Accustomed as we are to a plenitude of books, magazines, pamphlets, and especially newspapers, the dearth of reading matter, during colonial times, is astonishing. Such books as reached New Jersey from England or Scotland, or were printed in America, during this period, were largely of a religious character and distinctively controversial. These, together with the statute laws, proceedings of colonial legislatures, and an occasional pamphlet upon some current political topic, with a smattering of novels and the classics, embraced the range of general literature. Magazines, in the latter day sense, were unknown, although the *New American Magazine* appeared in 1758 in Woodbridge, one of the earliest ventures of its kind in the colonies.

From the newspapers and the almanacs the mass of the people derived most of their information concerning public affairs. Not until the latter part of the year 1777 was there a newspaper published in New Jersey, when Isaac Collins established his *New Jersey Gazette* at Burlington. Until that period the newspapers of Philadelphia and New York had a limited circulation through

the settled portions of the colony. The colonial journals contained but few of the features of the modern newspaper. Editorial utterance, as distinct from news, had no assigned place, comment and criticism frequently taking the form of signed letters, usually written under the nom-de-plume of a famous Greek or Roman. News, as such, was presented unattractively, being written with no typographic or reportorial touches. Personal affairs were eliminated, except fulsome notices of marriages, panegyrics of the dead, and complimentary mention of the movements of prominent officials. Maritime matters received much attention, while the rest of the news consisted of European letters from two to six months old and a line or two of local happenings. Poems by ambitious young colonists, written in a stilted sentimental vein, with copious allusions to the classics, and dissertations upon the general social conditions of the colonies and observations of the moral state of man, comprised the literary efforts of even the most prominent sheets. Scattered through the columns were advertisements, which, as they mirror current affairs, give a clear image of the life of the people. The subjects embraced in the advertisements of the period are numerous. New goods offered by merchants, rewards for runaway slaves and redemptioners, notices not to trust or harbor eloping wives, property sales by

sheriffs, executors, and other officials, breeding horses and their pedigrees, calls for investments in lotteries established for purposes more or less worthy, announcements of printed funeral sermons and other pamphlets are most frequent.

The newspaper, owing to its cost, was cherished as a rarity. As it was beyond the reach of many, the custom prevailed in some parts of New Jersey of reading the news in the public room of taverns, where amid the clink of glasses and stoneware jugs the week's doings in the cities or in more distant parts were presented to an anxious party of listeners. Nor was this custom in some parts of the State discontinued until the opening of the Civil War.

Beside the newspapers the almanacs were extremely popular. Those issued in New York and Philadelphia contained the sessions of the colonial courts, lists of crown officers, mail routes, rates of exchange of money issued by the colonies, how to convert "York" shillings into "Jersey" shillings, or both into Pennsylvania currency, observations upon the possible state of the weather, "remarkable occurrences," particularly meteorological, directions for the proper time to plant crops, vegetable remedies for common diseases, and a series of blank spaces for the purpose of making record of births, marriages, deaths,

barn raisings, corn and rye plantings, and like subjects of human interest.

Such was the status of education in New Jersey during the period of colonial life, in days when the clank of the flashing sword was far sweeter music to the ear than the scratch of the humble pen.



THE first of the series of Old World wars, in which England was directly involved and which affected her colony of New Jersey, was that known as the War of the Spanish Succession, which, having been begun in 1702, lasted until the Peace of Utrécht, in 1713. It was declared by England against France.

In the New World little more than echoes were heard of the contest, yet upon one occasion, at least, the struggle came close to the hearts of the colonists. Late in June, 1702, according to the newspapers of the day, a French privateer lying off Sandy Hook landed a party of men "at Neversinks" and plundered two houses. Probably owing to the establishment of a strong guard on the Monmouth shore she sailed away. In July a Bordeaux privateer appeared off the Capes of the Delaware, captured a merchant sloop, and chased a vessel to Sandy Hook, where other captures were made. From the harbor of New York three privateers were sent out to search for the Frenchman. In 1705 other French privateers were seen upon the New Jersey coast, and after making captures sped away to their rendezvous, the French West Indies. Other than the affair at Neversink no action upon land apparently took place.

Upon the 19th of October, 1739, war with Spain was declared by England. By early commercial

treaties it had been agreed that the coasts of Spanish colonies should be prohibited to British vessels unless under stress of weather, and that the right of search for contraband goods should lie with both nations. Spain, in view of the fact that British ships continually traded with Spanish colonies, asserted the right of search. This was resented by the people of England, and a general European war ensued. Among the operations incident to the beginnings of the struggle was an expedition against the Spanish West Indies. In October, 1740, under Lord Cathcart, thirty ships of the line left England, carrying a large force of sailors and land troops. During the same month there departed from Amboy, among other places, bodies of provincial troops, some of which were from New York. Three companies of volunteers from New Jersey sailed down the Delaware, and, joining the others, met Admiral Vernon at Jamaica, January 9, 1741.

During the preceding May the coast of New Jersey had been terrorized by the appearance of "three Sloops, a Snow and a Scooner," Spanish privateers, which made several captures. Their successes led the New Jersey Legislature to vote £400 toward the support of two privateers, being built by subscription, which were "to look after these Spaniards." From Jamaica the expedition proceeded to Cartagena, where, according to the

Boston News Letter (June 25-July 2, 1741), it is reported one thousand men died in ten days. In all, owing to the advent of the rainy season and disease, eight thousand deaths occurred, although "the Officers and Men from North America," among whom were Captain Farmer and Captain Thomas, of New Jersey, "behaved themselves with much bravery." The expedition, abandoned, returned to Jamaica, and was almost forgotten in the rage of the religious controversy of the new and old side movements.

In 1744 the struggle between England and France broke out anew, being known in history as King George's War. In the spring of 1745 Governor Shirley, of Massachusetts, designed an attack upon the French at Cape Breton and Louisburg, their capital, which, considered an impregnable fortress, was the key to the French possessions in North America. From the hands of the French Massachusetts as well as the rest of New England had suffered much, and it was with hearty spirit that the colonies entered upon the expedition. New Jersey contributed £2,000, of which £1,000 was spent in East Jersey produce to be shipped for military uses to Boston. Six thousand men, among whom were Jerseymen, sailed to the northward, and Louisburg was taken June 19, 1745.

Immediately a great naval force was designed

in France to scourge the North American coast. To ward off this evil, as well as to afford protection against the French privateers which harassed shipping between Sandy Hook and Cape May, the Legislature made provision of men and money. Upon the 12th of June, 1746, President of Council Hamilton laid before the Legislature the plan of the British ministry upon a proposed invasion of Canada. The Legislature resolved to equip five hundred men, but so great was the desire to enlist that six hundred and sixty militia were secured, five companies being credited to New Jersey under Captains Parker, Dagworthy, Stephens, Ware, and Leonard, and the sixth to New York. Early in September the Jersey troops, "in their Complement of Battoes," left Perth Amboy by water, well equipped, for their point of rendezvous, Albany. Commissioners to have care of victualing and clothing these troops were appointed by the Assembly.

Upon the arrival of the provincials at Albany the promised English reinforcements failed to appear, and through the long winter months the soldiers were engaged in protecting the frontier or in writing to the newspapers savage criticisms of the failure of the New Jersey commissioners to supply proper arms, food, and clothing. To these strictures the commissioners and their friends made prompt replies. In the meantime the con-

dition of the New Jersey troops in Albany was deplorable. So urgent was the case that Colonel Peter Schuyler, commander of the five companies of Jerseymen, laid a petition before the Legislature setting forth the hardships of the rank and file for want of pay. Immediate relief was solicited by the patriotic and philanthropic Governor Belcher as "an Act of Justice and Goodness, and of doing Honour to this government."

But the Assembly, which had already spent large sums of money, refused to take further action. In this crisis Colonel Schuyler suppressed an incipient mutiny and advanced to the men funds sufficient for their purposes, an example of generosity as spontaneous as it was rare. With the ending of the war by the Treaty of Aix-la-Chapelle, in 1748, the troops were withdrawn from Albany and the "intended expedition against Canada" became a memory.

In 1754 war between England and France broke out afresh, the struggle being known to the colonists as the French and Indian War. In the spring of that year Governor Belcher addressed the House of Assembly upon the relations between the home government and France, to which a committee of the house made a reply asserting its loyalty to the crown, and stating practically that New Jersey had no available money with which to aid the frontier colonies in their expedi-

tions against the French or their defenses against the Indians. This reply the governor characterized as "unusual if not without precedent," agreeing, however, with the house in a further declaration that there should be a "strict Union among all His Majesty's Colonies on this important Affair." But the ill-starred expedition against the French upon the Ohio, and the return of the regulars and Virginia militia from Fort Necessity, brought the Assembly to an understanding of the common danger. Upon the 24th of April, 1755, appeared the governor's proclamation stating that the Legislature had made provision for "Pay, Cloathing, and Subsistence of 500 Men," to be under the command of Colonel Peter Schuyler.

Already the people were stirred. A letter from Trenton, dated April 18, 1755, says that "every body is willing to contribute a Mite against the French and the Country Fellows list like mad." As early as March of the same year the Legislature had appropriated £500 for the subsistence of the royal forces during their passage through the colony, and had prohibited the exportation of warlike stores to the French dominions, while the gallant Colonel Schuyler had requested and obtained the leave of the governor to raise four hundred men at his own charge to march to the defense of New York City or elsewhere in case of French attack. To the defense of the colonies

Jerseymen rallied. By May 12 four of the five New Jersey companies, according to the *Pennsylvania Journal* of May 15, 1755, were nearly completed. In Morris County "Captain Nathaniel Rusco * * * had such extraordinary Success in beating up for Volunteers as to have more than his Complement in less than Eleven Days Time." Nor were these efforts to protect the frontiers too early put in motion. By August, "on account of the Scalping Indians," refugees from the frontiers of Pennsylvania entered Reading on their way to New Jersey and others were soon expected.

The scattered settlements along the upper Delaware and Susquehanna in November became greatly frightened by the reported incursions of Indians, allies of the French. Beyond the forks of the Delaware, at Easton, the wild country lay exposed to the depredations of bands of marauding Indians. Early in November, 1755, Colonel John Anderson with four hundred Sussex militia joined one hundred and fifty men under the command of Captain Craig, of Pennsylvania, and, desirous of powder, sent an agent to purchase some of the Moravian missionaries at Bethlehem. This request being refused, Colonel Anderson threatened to burn their town, whereupon compliance was made and the powder furnished. The alarm in some measure being false, many of the militia were sent to their homes. While the powder epi-

sode was denied by friends of the Moravians the terror of the inhabitants was no less great. Following the expedition of Colonel Anderson the Indians burned the Moravian town of Gnadenhuetten, in Pennsylvania, about thirty miles from Easton, and massacred the inhabitants. To the assistance of the poor people of the "back settlements" the militia of Morris and Sussex Counties marched rapidly, while calls were made upon the militia of Essex, Middlesex, Hunterdon, and Somerset Counties. For the defense of Sussex County roughly fortified places were erected at Broadheads, Calverts Mills, and other points. Into New Jersey poured the self-exiled Pennsylvanians, evacuating the ruined country fifty miles above Easton. With their cattle, corn, and best household goods they left their "villages laid in ashes," their "men, women, and children cruelly mangled and massacred, * * * hacked, and covered all over with wounds." To the New Jersey government, owing to the apathy or neglect of the Pennsylvania authorities, Samuel Dupui, a man of large property living in Pennsylvania near the Delaware Water Gap, made application for men and officers to guard his home, offering for their support his plantation or £50 per annum. Later Dupui, according to rumor, removed to New Jersey, whereupon the Indians burned his home "and every Thing else they could find."

In the latter part of June, 1755, the New Jersey forces under Colonel Peter Schuyler had embarked for Albany. With him were troops from New York and New England under the command of Major-General John Johnson. In the best of spirits the attack upon Fort Ticonderoga was planned, the results of which engagement acted as a solace to Braddock's defeat near Fort Duquesne during the previous July. Subsequently some of the troops were discharged, small garrisons being retained at Forts Edward and William Henry.

In April, 1756, another armed force under Colonel Schuyler was sent to Albany, the atrocities of the savages having drawn New Jersey, New York, and Pennsylvania into a close bond of union. In May the Indians again appeared in Sussex County, at Paulinus Kill, from which place sixty families removed to Amwell. To protect the province and to aid its neighbors the Legislature, in June, passed an act raising £17,500 for supporting its seven hundred and fifty men then in pay, the colony already having contributed £57,500 to the war. For the first and last time in the history of New Jersey a proclamation was issued upon June 2d, 1756, declaring that as the Lenni-Lenapé had violated their treaties and become allies of other hostile Indians they were "Enemies, Rebels, and Traitors to his most sacred Majesty." To every one "not in the Province Pay" a reward

of one hundred and fifty Spanish dollars was offered for taking alive and delivering any male Indian above fifteen years of age, one hundred and thirty Spanish dollars for killing or destroying any male Indian above fifteen years of age, one hundred and thirty Spanish dollars for the body of any male or female Indian under the age of fifteen, and one hundred and fifty Spanish dollars for every inhabitant of the colony retaken from Indian captors. To friendly Indians, in accordance with the terms of a treaty held in Crosswicks in February, 1756, protection was offered provided the Indians remained within the bounds of the province. But owing to the treaty of peace concluded on July 11, between Sir William Johnson and the Shawanese and Delawares, Governor Belcher, upon July 23, withdrew his proclamation declaring the Delawares to be traitors.

With the army in the north efforts were being made to carry out the elaborate plan of campaign which embraced an attack upon Niagara, the reduction of Crown Point and Ticonderoga, the besiegement of Fort Duquesne, and the intimidation of Canada. But upon August 14, 1756, General Montcalm with five thousand French and Indians captured the forts garrisoned by the English and Americans at Oswego, and among the fourteen hundred prisoners took the gallant Colonel Schuyler, who was released from Quebec

in October, 1757, but while in confinement had supported his fellow captives.

In the summer campaign of 1757 disaster came to the New Jersey troops upon the 21st of July. In a water attack upon Fort Ticonderoga Colonel John Parker, who had succeeded Colonel Schuyler in command of a party of three hundred and fifty, lost all but seventy-five of his men. Soon thereafter Fort William Henry fell into the hands of the French. The excitement in New York and New Jersey was intense, as it appeared that not only Albany but the Hudson Valley would be wrested from England. In the midst of this turmoil Colonel Schuyler returned from Quebec. In New York City and Newark bonfires, illuminations, cannonading, and health drinking marked his home coming. Upon this occasion some verses, supposed to have been written by Annis Boudinot Stockton, were printed in the New York *Mercury*, the concluding lines being:

Cæsaræus Shore with Acclamation rings,
And *Welcome* Schuyler, every Shepherd sings.
See for thy Brows the Laurel is prepar'd
And justly deem'd, a Patriot, thy Reward
Ev'n future Ages Shall enroll thy Name,
In Sacred Annals of immortal Fame.

For the campaign of 1758 a call was made for one thousand men, the colony to provide one coat, a pair of cloth breeches, a white shirt, a check

shirt, two pair of shoes, two pair of stockings, one pair of ticken breeches, a hat, blanket, canteen, and hatchet for each recruit under a bounty of £12 to serve until September 15, with pay at £1. 13. 6. per month and "a dollar to drink His Majesty's Health." Late in May the New Jersey Provincial Regiment set out for Albany, under Colonel Johnston, arrayed in "Uniform blue, faced with red, grey Stockings, and Buckskin Breeches. * * * They are accounted a Parcel of robust sturdy Men." This was the first appearance of the "Jersey Blues."

Upon July 8 occurred another unsuccessful attack on Fort Ticonderoga, garrisoned by five thousand French, the British regulars and provincials numbering fifteen thousand, conveyed in three hundred whaleboats and one thousand batteaux. In this unfortunate expedition the New Jersey regimental loss was not heavy, as the troops of the colony occupied a position in the rear of the advance.

During the summer the Indian outrages in the upper valley of the Delaware continued, but amid the tales of butchery one somewhat picturesque incident becomes prominent. It is the reward made by the colony by act of the Legislature, September 12, when to Sergeant John Van Tile and a lad named Titsort, who had distinguished themselves for bravery upon the frontier, silver medals

were directed to be presented to them. The medal was to be the size of a silver dollar "whereon shall be inscribed the Bust or Figure of an Indian prostrate at the Feet of the said Van Tile and Lad aforesaid. * * * Which Medals the said Van Tile and Lad aforesaid shall or may wear in View, at all such publick Occasions which they may happen to Attend, to excite an Emulation and Kindle a martial Fire in the Breast of the Spectators, so truly essential in this Time of general War." This is the only case of such action ever having been taken in the colony of New Jersey.

The war now draws toward a close. During October-November, 1758, Governor Bernard concluded at Easton a memorable treaty with the Indians. Two hundred chiefs represented thirteen nations, which were the eight confederates of New York State and the five, among whom were the Delawares, depending upon the confederates. The summer campaign of 1759 was directed mainly against the French, their Indian allies having been won over largely to English interests. In spite of the fact that New Jersey had lost one thousand men out of fifteen thousand liable for military duty the Assembly, on March 2, resolved to raise one thousand additional militia, recruiting offices being opened at Salem, Gloucester, Burlington, Bordentown, and Newton. For the accommodation of troops barracks were ordered

erected in Burlington, Trenton, New Brunswick, Amboy, and Elizabeth, suitably built and conveniently equipped. Once more Colonel Peter Schuyler appears in command. In May forty sail of transports arrived in New York, and in June, both regulars and provincials having arrived in Albany, they set off for Fort Edward. During this campaign Quebec fell, which occasion was marked by demonstrations of joy when the news reached New Jersey. Again in 1760 the colony contributed one thousand men to the cause, and a company of New Jersey rangers did most effective service at Oswego in July. Nor was the colony less active in 1761, when the Assembly voted to raise six hundred effective men for service on the Canadian border. The colonies had kept an army of twenty-five thousand men in the field, had lost thirty thousand, and expended a vast sum for the maintenance of British empire in North America. As a result New France passed into the hands of the English crown.

The war was now transferred to distant points. For three years attention was directed toward the establishment of England's rights in the western part of New York. In 1762, 1763, and 1764 New Jersey responded to the calls for new levies and the demands for money, which led ultimately to the conquest of Niagara. But of more interest was the expedition against the West India Is-

lands. In 1762 Spain entered upon the contest with England. Early in that year British troops, with an imposing naval array, captured Martinico, Grenada, Saint Lucien, and Saint Vincent, while in June a large English force, in which was a regiment of New Jersey provincials, appeared before Havana and subdued the Morro upon the 11th of August. The loss of the attacking party was slight; that of the Spaniards is said to have been one thousand. In 1763 the war was formally closed by treaty between the powers.

THE political history of the colony of New Jersey between the recall of Edward Hyde, Lord Cornbury, and the appointment of William Franklin, as governors, would be incomplete without at least a passing reference to the governors who occupied that position during half a century. In New Jersey as in the other colonies the chief executive gave to political action the color of his personality, which, while not always permanent, is at least indicative of whatever influence he might be able to exert in the administration of public affairs.

The successor of Lord Cornbury was John, Lord Lovelace, who, though unacquainted with the duties of the office, after his arrival in New York in 1708 met the Assembly in a fair spirit, and had not death removed him within a few months he would probably have put into execution some plans for the betterment of the colony. By his conciliatory and suggestive action, however, Lord Lovelace did something to quiet the bitterness caused by the acts of Lord Cornbury. Whatever good Lord Lovelace may have accomplished was rendered nugatory by the administration of his successor, Major Richard Ingoldsby, who entered office by virtue of his position as lieutenant-governor. His brutality to his wife and children, whom he left to starve in Albany, his hot-headedness in quar-

reling with the Quakers, and the generally abusive tone of his addresses to the Assembly led to the revocation of his authority. Even Lord Cornbury would not allow Ingoldsby to act as lieutenant-governor of New York and New Jersey, although his partisan and armed with a royal commission!

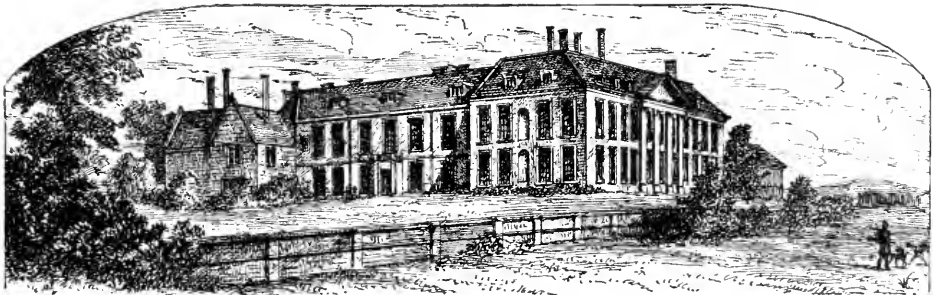
A picturesque and decidedly unique character was that of Governor Robert Hunter, who published his commission in New Jersey during the summer of 1710. Hunter was a Scotchman, who, running away from his master, an apothecary, had entered the British army and rose to the rank of brigadier-general. His excellent address, ready wit, and quick though not brilliant perception won for him a social position which he improved by marriage with a woman of the nobility. Sent to Virginia as governor of that province, he was captured by the French, but was later released, whereupon he came to New Jersey as the successor of the hated Ingoldsby.

Turbulence marked the official career of Governor Hunter, a condition of affairs directly traceable to the fomented state of provincial politics during the Cornbury-Ingoldsby régimes. For the first time in the history of the province the governor and Assembly were in accord. By his side stood Lewis Morris, the acknowledged head of the popular party, but in opposition to the governor



Cornbury

(EDWARD HYDE.)



BIRTHPLACE OF LORD CORNBURY : OXFORDSHIRE.

was his council, controlled by Jeremiah Basse, formerly governor of East and West Jersey and a Anabaptist minister. According to the statements made by Governor Hunter the council had "avowedly opposed the government in most things," for which reason he prorogued the Assembly as a useless body.

After representations to the crown the council was reconstructed, the queen removing Daniel Coxe, Peter Sonmans, and others, who took the occasion to visit England in an endeavor to prevent, in 1714, upon the accession of King George I, the renewal of Hunter's commission. To accomplish this end Sonmans had removed the public records of the province to England. At last, in justice to himself and in vindication of his administration, Governor Hunter directed the Assembly to meet and proceed to the conduct of the affairs of the province. Daniel Coxe, who was speaker of the Assembly, was expelled, and, although he appealed to the King, the crown sustained the governor. In 1719 the governor returned to Europe, being succeeded by William Burnet, who found the province in a state of comparative tranquillity. Unlike his predecessor, Governor Burnet was a man of culture, fond of books, himself a writer upon religious and scientific matters, and, except for his constant impecuniosity, generally permitted the Legislature to have its

own way. Burnet found his colony of thirty thousand people heavily in debt, without a metallic circulating medium, and relying for exchange upon a paper money of uncertain value. Such discussion as arose was largely upon the usual question of salary. In 1728 Burnet was transferred to the governorship of Massachusetts. He was followed by John Montgomerie, whose brief and uneventful administration of three years was mainly characterized by the renewal of an attempt, first made in Burnet's time, to separate the governorship of New Jersey from that of New York. For this purpose a petition, in 1730, was sent to the King. The death of Montgomerie upon July 1, 1731, threw upon Lewis Morris, president of council, the duties of the governorship, which he assumed until the arrival of William Cosby, who quarreled bitterly with Chief Justice Lewis Morris, but maintained moderately pleasant relations with the Assembly. Cosby died in 1736, whereupon the government devolved upon John Anderson, president of council, who in a few weeks also died, his successor being Andrew Hamilton.

During the administration of Andrew Hamilton there were submitted to the crown certain "Reasons" why New Jersey should have a separate governor. As showing the social conditions of the province in 1736 these "Reasons" fall within well defined lines. From maritime consider-

ations it was urged that New York and New Jersey be separated because all New Jersey vessels must be registered in New York at a cost of £10, and that timber-preserving acts and statutes encouraging ship building could be passed without prejudice to New York. Under a separate government trade in the colony and the number of vessels would increase "and consequently a reciprocal advantage redound to Great Britain, by employing more hands in making Tarr, Pitch and Turpentine."

Under the joint system European immigrants, particularly Palatines and other foreign Protestants, were unwilling to settle in one colony dependent upon another. Furthermore official salaries paid in New York were spent out of New Jersey, and judges "countenance the New York lawyers so that they carry away thither all the Business and Money, whilst their own are discouradg'd and Reduced." Writs were delayed in execution, councils were not held in New Jersey, the militia was not kept in discipline, and to sum up all argument "the heart burnings amongst the Inhabitants, and the Grievances of the Country are not known and understood, or at least never regarded, the governor being free from the Noise and Clamour of them, at New York." With such a presentation a separate governor was allowed, and to this office one of the most notable,

if not the most notable, man of his time, Lewis Morris, was elevated.

Lewis Morris had early espoused the cause of the people. In the time of Cornbury he was expelled from council and had drafted a remonstrance against the governor addressed to Queen Anne, and was an earnest advocate of popular rights. As a runaway lad from his home in New York Lewis Morris had seen much of the severe side of colonial life in Virginia, although he later became a dignified chief justice of New York. But, strange to say, upon his acceptance of the office of governor of New Jersey one of his earliest acts was to quarrel with his Assembly. Although appointed in 1738, and received by the popular party in New Jersey with the warmest expressions of approval, he, as early as 1739, complains to one of the treasury lords "of the insincerity and ignorance among the people" and "an inclination in the meanest" to have sole direction in the affairs of government, a spirit which in his youth the governor had done much to foster. Age seems to have brought to Morris an overdesire for money, and he quarreled with the Assembly about the support of the colony until the members finally refused to take legislative action until he assented to their desires. Before the usual compromise was made Lewis Morris died, in 1746, and the government was again administered for a year by

John Hamilton. Two noteworthy events occurred during Hamilton's short occupancy—the granting of the first charter to the College of New Jersey, and the aid the colony gave toward the Canada expedition in the French and Indian War.

The administration of John Reading, who as president of council succeeded John Hamilton, was marked by riots in Perth Amboy—the culmination of agitation which commenced as early as 1670. The dispute grew out of titles derived from proprietary boards, in which an intense feeling had been generated, owing to the demands for quit-rents made by the proprietors.

In Governor Jonathan Belcher, scholar, man of affairs, and for several years chief executive of Massachusetts, New Jersey had a man of intelligence, but severely puritanical in his views. Publishing his commission as governor in Amboy, August 10, 1747, Governor Belcher removed to Burlington, where he resided for several years, devoting his time to statecraft and the advancement of the doctrines of George Whitefield. Dissatisfied with the laxity of the observance of Sunday in Burlington, he drove frequently to Philadelphia, with coach and four, there to worship in the Presbyterian churches. But even this act was “an apparent desecration of the Sabbath” to one of his “conscientious scruples,” says John Whitehead, entertainingly, in his “Civil and Judicial

History of New Jersey," and the practice was abandoned. While attending the commencement exercises of the College of New Jersey in 1756 Governor Belcher was seized with a paralytic stroke, and, in spite of some relief afforded by an electrical apparatus sent him by Benjamin Franklin, he died in August, 1757. His friend, the Rev. Aaron Burr, president of the College of New Jersey, who died in September of the same year, preached a funeral sermon upon the occasion of the governor's burial. While he had some disputes with the Assembly concerning the question of the support of the government Belcher's devoted services to the colony caused him to be remembered with a sincere affection.

In rapid succession Thomas Pownall, lieutenant-governor, and John Reading, president of council, assumed the duties of the office pending the arrival, upon the 15th of June, 1758, of Francis Bernard. The most distinguishing act of his administration was the treaty with the Indians, concluded at Easton during the month of October, 1758. Governor Bernard two years later was removed to Massachusetts, his successor being Thomas Boone, who held office for the space of one year. Last before the advent of William Franklin was Josiah Hardy, who after a few months was recalled to England, being tendered an appointment as consul at Cadiz, Spain.

IN THE closing years of the administration of William Franklin, the last Royal governor of the colony of New Jersey there is something akin to pathos in the gallant but hopeless battle which he waged in support of the crown. Accused as he has been of shifting from side to side, his seeming compromises were, as expressed in his own words, too evidently in the interest of possible reconciliation to be charged to a baser purpose. Before all else he placed his duty to his sovereign, and no clearer vision came to him than the belief that any measures other than petitions to the throne were in themselves treasonable. To warn the people of New Jersey that anarchy and confusion would destroy the blessings of civil society, if any course other than obedience to the law be followed, was the maxim of his administrative policy. He saw not beyond his own time; by the Tory standards of his day should he be judged.

The first anti-climax of his administration came upon the 8th of February, 1774. Since the 10th of November of the preceding year he had held the Assembly in check by personal interference and the exercise of his official power. The colonies were ringing with the disasters of Massachusetts and the boldness of the Virginians, who had secured the appointment of committees of correspondence in every other Assembly from Massa-

chusetts to Georgia. Throughout the session the House of Assembly of New Jersey had received letters and resolutions from various assemblies which dealt with the all-absorbing question of the common rights and liberties of the colonies. From the action of the house, taken as a committee of the whole, it is learned that a resolution was adopted by the Assembly heartily accepting "of the Invitation of a mutual Correspondence and Intercourse with our Sister Colonies," and that in furtherance of the plan a "Standing Committee of Correspondence and Inquiry" was appointed.

This action was the first declaration by the representatives of the people of the colony that New Jersey had a vital interest in the approaching contest. The decision had been reached after a careful consideration, instituted against the advice of Franklin. But, influential as he then was, his efforts to prevent the passage of the resolution were unavailing, and the following citizens were selected upon the new committee:

James Kinsey, of the City of Burlington; Stephen Crane, of Essex; Hendrick Fisher, of Somerset; Samuel Tucker, of Hunterdon; John Wetherill, of Middlesex; Robert Freind Price, of Gloucester; John Hinchman, of Gloucester; John Mehelm, of Hunterdon; and Edward Taylor, of Monmouth.

The duties of this committee were closely de-

fined, the plan and scope of the inquiries clearly indicating the trend of public opinion and the nature of the subjects uppermost in popular discussion. The members were directed to obtain the "most early and authentick Intelligence of all Acts and Resolutions of the Parliament of Great Britain, or the Proceedings of Administration that may have any Relation to, or may affect the Liberties and Privileges of, His Majesty's Subjects in the British Colonies in America, and to keep up and maintain a Correspondence and Communication with our Sister Colonies, respecting these important Considerations." The committee was also enjoined to furnish a statement of the action of New Jersey to the "speakers of the Assemblies on the Continent of America" and that "they do return the Thanks of the House to the Burgesses of Virginia, for their early attention to the Liberties of America."

In a letter to the Earl of Dartmouth, written upon the 31st of May, Governor Franklin offers an explanation for the action of the New Jersey Assembly when he says that the colony "did not choose to appear singular" after New York had adopted a similar course. To this statement may be added that of a member of the committee, who gave the reason that New Jersey might eventually be placed in the "same predicament with Bos-

ton," and boldly adds: "Our Committee is well disposed in the cause of American Freedom."

The selection of a committee, composed of men whose homes were in various parts of the colony, lent to the idea of "Correspondence and Inquiry" not only the superior weight of action of an official character, but gave to local movements a distinctive claim for strength and stability. It was the centralization of social and political forces which, in New Jersey, had been slowly moving to a common center.

While the great questions involved were still in the stage of argument and constitutional discussion, the arguments and the discussions lost none of their effectiveness nor vehemence. The breach between friends was slowly widening. Whig and Tory, under the candles of the taproom of the inns, in the furrows of newly-plowed fields, in the cabins of coastwise craft, before the doors of the meeting houses, in court rooms, and at the dusty crossroads, laid out those courses of future action which made the flickering spark of hope spring into the fire of national life, or brought sorrow and disaster to those adherents of the crown who were driven, at last, into political and social ostracism. But while the governor was slowly losing his power over the Assembly his council, a more conservative body, still held close to the doctrine of the divinity of kingship. Late

in January, 1775, the members of council assured the governor of their zealous attachment to the interests of Great Britain and her colonies, their sincere loyalty to George III, and of their earnest desire, both in their public and private capacities, to preserve peace, good order, and a dutiful submission to the laws.

To the Council and Assembly which met in January of that year Governor Franklin spoke fairly and without evident bitterness. Disclaiming the capacity to decide the dispute, he said it was a duty for those who conceived themselves aggrieved to aim for redress. But it was to be remembered that every breach of the constitution, "whether it proceeds from the Crown or the People," was in its effects equally destructive to the rights of both. The reply of the house was to a degree equivocal. Asserting the loyalty of the members and of their assurance to support the crown, the members declared they were resolved to preserve their constitutional liberties by every means within their power. The governor in turn parried this ill concealed thrust and said that his advice "came from an heart sincerely devoted to my native country, whose welfare and happiness depend, as I conceive, upon a plan of conduct very different from what has been hitherto adopted."

So far as the Assembly represented the senti-

ment of the people of New Jersey a petition to the King adopted by the house February 13, 1775, gives in detail the list of grievances of which New Jersey as well as the other colonies complained. These complaints did not arise, said the petition, "from a want of loyalty to your royal person, or a disposition to withdraw ourselves from a constitutional dependence on the British crown, but from well grounded apprehensions that our rights and liberties are intimately affected by the late measures, in their consequences pernicious to the welfare and happiness both of Great Britain and your Majesty's Colonies."

The causes for complaint were the subordination of civil to military government, in the use of a standing army and naval armament to enforce the collection of taxes, and the appointment of the commander-in-chief as governor of a colony. Admiralty judges had been empowered to receive their salaries and fees from effects condemned by themselves, while customs officers had been empowered to break open houses without authority of civil magistrates. New, expensive, and oppressive offices, the dissolution of assemblies, acts in restraint of commerce, the abolition of trial by jury, as well as the several acts directed against Massachusetts and affecting Quebec, were sufficient for the people of New Jersey to "fly to

the foot of his Throne” and implore the sovereign’s protection.

That New Jersey made the cause of the more deeply aggrieved colonies her own is suggested by the petition. “Although all the grievances above enumerated,” says that document, “do not immediately affect the people of this Colony, yet as in their consequences they will be deeply involved we cannot remain silent and unconcerned.” In support of the loyalty of the colony the attitude of New Jersey in aiding the crown and the more exposed colonies during the French and Indian War was suggested. This evidence of affection, as well as the willingness of the members to sustain the government, led the Assembly to declare that it abhorred the idea of a state of independency, and that it had no knowledge of such design in others.

The chasm between the governor and the Assembly, which assembled for a few days in May, grew wider. The members rejected the plan of conciliation proposed in Parliament upon the 20th of February, and in a long answer to Governor Franklin’s still longer message refused to take action. Nor was the Assembly which met upon the 15th of November in much better humor. While it would not listen to the appeals of the governor, the house, in answer to a peace petition signed by certain inhabit-

ants of the County of Burlington, declared that the "reports of Independency * * * are groundless," and directed the delegates to the Continental Congress to use their endeavors to obtain a redress of grievances, restore union upon constitutional principles, and to reject propositions leading to independency or alteration in the form of government.

In the meantime the governor's council had remained in a quiescent state, as that body was more directly under his control. Upon the 6th of December the governor prorogued the Assembly to meet upon the 3rd of January, 1776, but it never reassembled, and with it died the council. Throughout the contest, which had been conducted with every evidence of honesty of purpose on either side, the person of the governor had been kept inviolate. He had been assured by the Assembly that he need not seek the protection of the King's ships; indeed that for him, individually, New Jersey had the highest respect. Had he espoused the cause of liberty he would have been, in all probability, the first governor of the State of New Jersey under the new constitution.

The political crisis in the life of William Franklin was reached during the middle of the month of June, 1776. Since his arrest in January, by Lord Stirling, who had but recently been a member of the governor's council, although later deposed,

William Franklin had been living in the proprietors' house at Perth Amboy. Nominally governor of New Jersey, neither his affable manners nor his personal popularity, stimulated by excellent address and a fund of humor and anecdote, nor his father's reputation, nor his undoubted qualities as a statesman could save him from the impending doom. He had advanced the interests of the colony at court and had urged beneficial legislation at home, while he and his amiable wife had entertained with vice-regal elegance and had established a model farm on the banks of the Rancocas, for all of which the people of New Jersey were grateful; nevertheless the hour had come when neither the person of a royal governor was secure nor the office he held was sacred. Following the advice of Benjamin Franklin, the governor had made a choice. He had selected the cause of the King. And for his loyalty the governor paid a price little short of death.

The attitude of the Provincial Congress toward William Franklin, while resolute, was nevertheless respectful. In the Congress were men who had sat in the colonial Assemblies and who had been his official beneficiaries. While the hands that stripped him of power were firm, they were tender. To some of them, at least, he was still Governor Franklin, at whose board they had sat in Perth Amboy and Burlington, and whose

stories of his army life in the French and Indian War; of his law student days at the inns of court, and of his marriage in London they had heard with pleasure. While independence meant a new order of things political, the putting aside of the old brought a touch of sorrow and, for some, a pang of regret.

But the path lay open. So long as the royal governor exercised the semblance of power so long was the Provincial Congress hampered in its preparations for a resort to force. With the removal of the substance the shadow passed away. For this reason June 14th was a momentous day in the session of the Provincial Congress. The thirteen counties, in conformity with a resolution, had each returned five delegates, and of the sixty-five, there were forty-nine who voted upon a memorable resolution to the effect that the proclamation of William Franklin, "late governor of New Jersey," appointing a meeting of the Legislature for June 20th, "ought not to be obeyed." An affirmative vote stood thirty-eight to eleven. Of the latter, Bergen delegates cast four, Cape May and Hunterdon each two, with one each to the credit of Sussex, Essex, and Monmouth.

This was followed on the succeeding day by the passage of another resolution that, in the opinion of the Provincial Congress, Governor Franklin, by such proclamation, had acted in contempt and

violation of the resolution of Congress directing New Jersey and the other colonies to frame for themselves independent governments. This was passed by a vote of forty-one to eight. In the negative Bergen cast three votes, Cape May, Monmouth, and Hunterdon each cast two votes, with one vote from Sussex.

A third resolution declaring that William Franklin "has discovered himself an enemy to the liberties of his country," and that measures should be taken for securing his person, brought forty-two votes in the affirmative and ten in the negative. Three votes were cast by Bergen, two each by Monmouth and Hunterdon, and one each by Essex, Sussex, and Cape May, all in the negative.

The fourth and final resolution declared that henceforth the salary of William Franklin should cease. In favor of this resolution forty-seven votes were cast in the affirmative, Sussex, Bergen, and Hunterdon each casting one vote in the negative.

To arrest the governor an order was issued to Colonel Nathaniel Heard, of whom, on the occasion of a raid on Long Island, the Tories had recently sung:

Col. Heard has come to town,
In all his pride and glory;
And when he dies he'll go to Hell
For robbing of the Tory.

The gallant militiaman was directed to conduct

the affair "with all the delicacy and tenderness which the nature of the business can possibly admit." To William Franklin was given the option of paroling himself at Princeton, Bordentown, or his own farm at Rancocas—his large plantation called "Franklin Park," upon the north bank of the Rancocas River, near the site of the first mill erected in West Jersey, and within a few miles of Burlington. Colonel Heard departed upon his mission, and upon the 17th of June, with Major Deare, visited the late governor, who not only refused to comply with the order of the Provincial Congress, but forbade Colonel Heard, at his peril, to carry the order into execution. A guard of sixty militia was placed around the late governor's house. The Provincial Congress, apparently hesitating about taking action, immediately referred the whole matter to the Continental Congress, with the suggestion that William Franklin be removed from the colony, as he would be capable "of doing less mischief in Connecticut or Pennsylvania than in New Jersey." Upon the 21st of June William Franklin was brought before the Provincial Congress to be questioned "touching such parts of his conduct as were deemed inimical to the liberties of America." The late governor, stoutly refusing to answer the inquiries and denying the authority of Congress, was directed to be confined in such place and manner

as the Continental Congress should direct, in the meantime to be under the guard of Lieutenant-Colonel Bowes Reed.

While yet the Provincial Congress vacillated the authorities of the united colonies directed him to be sent to Connecticut, to be placed under the authority of Governor Trumbull, the only chief executive of any one of the thirteen colonies who did not adhere to the Tory cause. Upon his arrival in Connecticut Governor Franklin was placed under strict surveillance in East Windsor, where he remained for two years, and upon being exchanged sought, in New York City, protection within the British lines.





EXCEPT upon the desolated frontiers of New York, Pennsylvania, and Virginia England's wars with France and Spain left no permanent physical impress, and in those colonies even the path of destruction and death was soon obliterated by the constant pressure of a western-moving mass of emigrants. But in New Jersey, and in the other northern and middle colonies, the effect of the war upon the social and political life of those communities was vast and far reaching. Although unrecognized by the colonists the close of the struggle made the Revolution an almost immediate possibility. In its failure to teach an evident lesson to the ministry of the British King it made a gigantic contest for colonial rights a necessity.

To the officers of the crown the results of the French and Indian War were objective. At a vast expense of lives and treasure, by the home government, France had been driven from North America, and a natural foe had been humiliated. To this end New Jersey as well as the other colonies had contributed, not only as a matter of natural affection for the crown, but for their own glory. The display of power and wealth, such as the English officers saw in America, was but a new illustration of the principle actuating the course of officials of the home government—that

Americans enjoying the rights of colonists under the ægis of the English constitution, being beneficiaries of good government, should consent to taxation without complaint, and should consider it a bounden duty to supply the British Isles with those products which contribute to the pleasure and profit of a governing people.

But to the colonists the results of the war were subjective. It is no more than right, they said, that England should have saved our homes and firesides from the merciless savages in a contest that was not so much for territorial acquisition and for the destruction of French power as it was for self-preservation. The wealth that had been acquired in New Jersey had been gathered in the face of the most objectionable parliamentary legislation of a social and economic character. Every claim of right of freedom in trade had been met with repulse by the Lords of Trade and Plantations, by His Majesty's ministers, and by Parliament. To taxation, as loyal subjects, the colonies did not object, but, accustomed in all royal charters to representation in some form in their Assemblies, they could not tolerate taxation in Parliament without sending members to that body. Furthermore by teaching the English officers the manner of fighting Indians, not by movements of platoons as on continental battlefields, but by the tactics of those bred in the woods and

fields, human lives and expenses in maintaining troops had been greatly saved. And still further they contended that, as they were Englishmen, they were entitled as such to all the political rights and economic privileges of Englishmen, whether in New York, Philadelphia, and Boston, or in London, Bristol, and Oxford.

The advent of William Franklin, last royal governor of New Jersey at the close of the French and Indian War, in 1763, marked the gathering of the storm. In New Jersey there was an open feeling of discontent. True, nearly all men were loyal, all were patriotic with that nervous form of patriotism marking the close of every successful struggle, but beneath the surface were uncertainty, doubt, and even dread. The matter soon came to an issue.

Although unaffected, except sentimentally, by the Navigation Act which so seriously complicated the situation for Boston, Philadelphia, and New York, New Jersey was directly moved by the passage by Parliament of the Stamp Act upon March 22, 1765. Benjamin Franklin, father of Governor William Franklin, had warned Parliament that the colony would resent any attempt to impose "taxation without representation." In itself the stamp duty was light, but the question was purely one of principle. When the news of the passage of the bill reached New Jersey the

conservatism of the colony showed itself. In that no outward show of lawlessness was made, Governor Franklin assumed that the opposition, while present, was temporary, and so advised the crown officials. But the conservative action was an evidence of determination to meet the situation, not by physical force, but by the exercise of moral purpose. William Coxe, chief stamp officer in New Jersey, resigned; John Hatton, local stamp officer for Salem, was forced out of office. To oppose the stamp act, which was designed to go into effect November 1, 1765, the lawyers of New Jersey organized, and upon the 19th of September, in that year, at a meeting in Perth Amboy, resolved that they would not make use of the stamps for any purpose or under any circumstances. As the stamps were designed largely for use upon legal papers this meant a cessation of legal business and a consequent prevention of any revenue to England from the sale of stamps.

To this end, "protesting against all riotous proceedings," the lawyers resolved not to practice their profession until April 1, 1766. By February, 1766, the Sons of Liberty had been organized and had sworn to "support the British Constitution," a euphemistic term for resistance to the stamp act. Members and delegates representing the eastern and western divisions of the province requested the lawyers "to proceed to

business as usual without stamps," and to use their influence "to open the courts of justice as soon as possible," to which the lawyers replied that if no accounts were received from Parliament they would commence practice April 1, and if the Stamp Act was not suspended or repealed they would join the Sons of Liberty in opposition to it. The stamps designed for New Jersey were never landed from the hold of the vessel which lay that winter in the Delaware, and upon March 18, 1766, the act was repealed.

But the repeal of the stamp tax act which was accompanied by a "declaratory act" insisting that Parliament had the right to tax the colonies in all cases, was but a new manifestation of the sentiment of the British ministry. The economic phase of the contest came squarely to the front. Asserting the right to tax, there was passed in Parliament in June, 1767, a law providing for a nominal impost upon glass, paper, pasteboard, white and red lead, painters' colors, and tea, with the provision that the crown could establish a civil list in every American colony, with salaries, pensions, and emoluments to the entire amount of the duties. In May, 1768, the Assembly of New Jersey, in emphatic but highly respectful language, prayed to the King for relief from acts of Parliament imposing a duty on them for the purpose of raising a revenue. A right and liberty,

it was said, vested in the people of New Jersey, "is the Privilege of being exempt from any Taxation but such as is imposed on them by themselves or by their Representatives, and this they esteem so invaluable, that they are fully persuaded no other can exist without it."

Before the resort to force, and the organization of that machinery of correspondence and espionage which marks the real advent of the Revolution, the state of public sentiment in the colony of New Jersey may be well considered.

While in neighboring colonies recourse was had to violence, it is noticeable that in New Jersey, during the agitation concerning the tax legislation, no display of force occurred. This assertion may be limited to two riots, which were incidental to agitation over the Stamp Act, but which were directed against the lawyers. For several years there had existed a bitter feeling against members of the bar owing to claims made that extortionate fees drove clients into debt to their attorneys. In a pamphlet entitled "Liberty and Property without Oppression," printed in 1769, the Stamp Act was designated as the first "Wounding and Devouring Serpent," but lawyers were declared to be "Serpents seven times more devouring than the first, who in their daily Practice are as Public Leaches, sucking out our very Heart's Blood." Unavailing petitions were sent to the Assembly, and finally

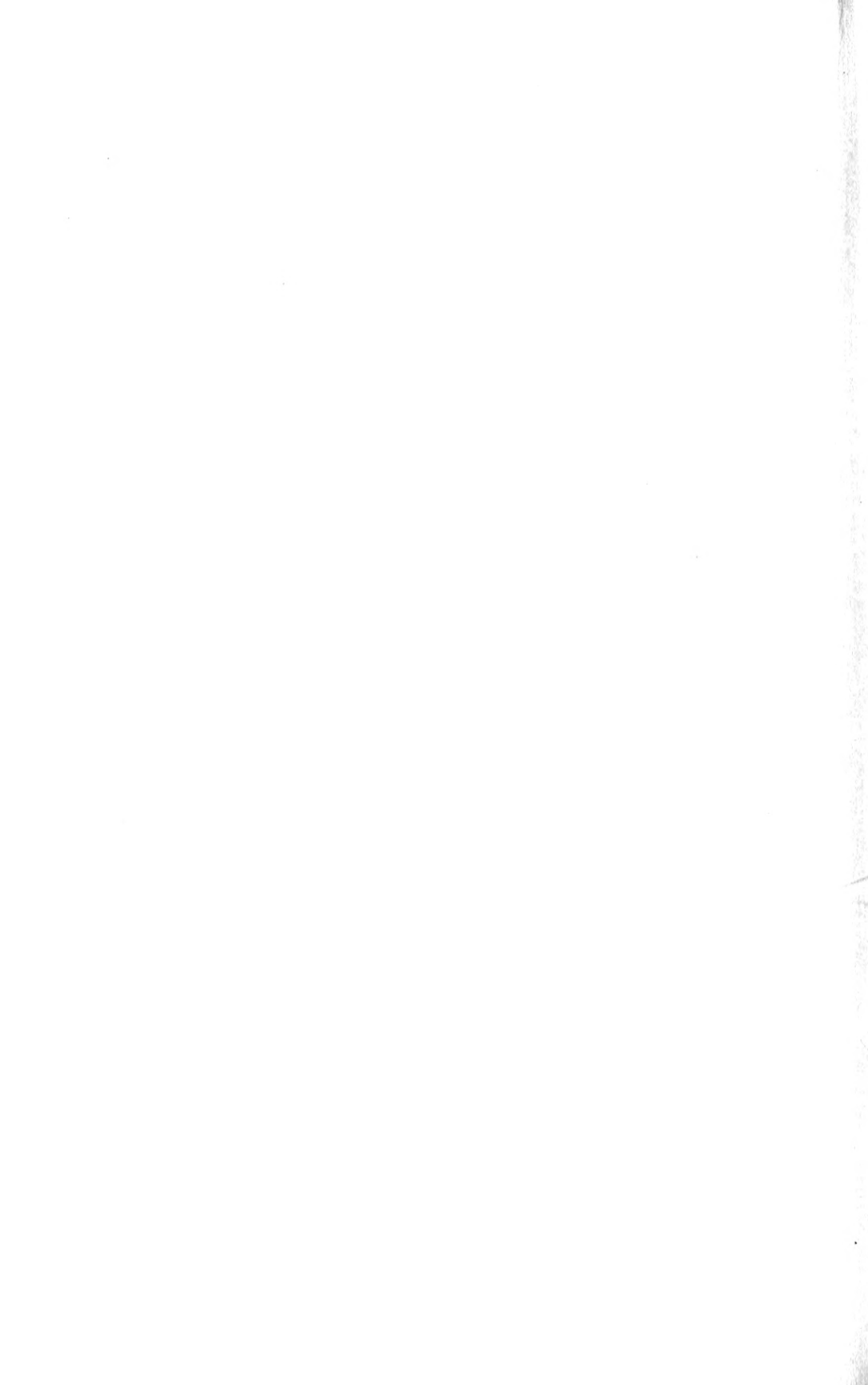
in July, 1769, an attempt by an armed mob was made to prevent lawyers from entering the Monmouth County court house. Again in January, 1770, the attorneys were driven from the hall of justice amid great confusion. In Essex County similar disturbances took place, and the stables and outhouses of David Ogden, a prominent member of the bar, were burned.

But in spite of all the discussion and even the rioting against the lawyers there was little or no spirit favoring independence among Jerseymen as late as 1772. A close distinction must be made between the discussion as to rights under the British constitution and the contention for actual separation of the colonies from the crown. Even among the most active partisans of the claims of the colonists few there were who would have even considered favorably the idea of independence; most men would have rejected the plan as treasonable. Although three short years made vast changes in the current of popular thought, the doctrine of independence, so far as New Jersey was concerned, may be said to have been either in the minds of dreamers or surreptitiously advocated by men of uncertain social status, who hoped thereby to benefit their fortunes. The time was ripe for a change, riper than men of the day thought; but the conservatism of the colony was strong. Throughout the western division the So-

ciety of Friends were loyal to the crown, preferring peace and not deeply affected by the tax. Episcopalians were naturally favorable to the existing government. In the eastern division the Calvinistic elements, both English Presbyterian and Dutch Reformed, were unprepared for the exercise of force, although they were soon to become the most active of Whig partisans. The restive Scotch-Irish leaned strongly toward reform, but independence was a last resort.

The close of the colonial period in New Jersey finds two factors working for independence, committees of correspondence and the Continental Congresses, bringing the minds of men into closer association, centralizing views, and unconsciously preparing them for the struggle, and the desultory displays of force, as illustrated in the Greenwich tea party and the earliest organization of the local militia. These factors mark the transition from the colony to the State, are directly associated with the Declaration of Independence, and, being distinctively Revolutionary in their character, their discussion is reserved for the next volume.





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